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SUPPLEMENT TO LAWS APPLICABLE
TO THE UNITED STATES DEPARTMENT OF AGRICULTURE

1936

Embracing acts and provisions
of a permanent character enacted
at the Second Session of
the Seventy-Fourth Congress
ending June 20, 1936.

Soil Conservation Service
U. S. Department of Agriculture
Washington, D. C.

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INTRODUCTION

This supplement to the Laws Applicable to the United States Department of Agriculture, 1935, contains legislation affecting the Department, its officers, and employees, enacted at the second session of the Seventy-fourth Congress.

The numbers preceding the paragraphs in the supplement should be read in connection with those contained in the 1935 compilation in order to determine the present applicability of any provision of law found in the original compilation.

EXECUTIVE DEPARTMENTS, GOVERNMENT
OFFICERS, AND EMPLOYEES

GENERAL PROVISIONS

27. Sick leave; effective date.-- That after January 1, 1936, except as provided in section 4 hereof, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, other than teachers and librarians of the public schools of the District of Columbia and officers and members but not the civilian personnel of the police and fire departments of the District of Columbia and other than officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, shall be entitled to sick leave with pay regardless of their tenure, as described herein. (March 14, 1936, sec. 1, Public No. 472.)

27a. Same; amount; cumulative.-- On and after January 1, 1936, cumulative sick leave with pay, at the rate of one and one-quarter days per month, shall be granted to all civilian officers and employees, the total accumulation not to exceed ninety days. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to one and one-quarter days sick leave for each month of service: Provided, That all such employees shall furnish certificates satisfactory to the head of the appropriate department or independent establishment. (March 14, 1936, sec. 2, Public No. 472.)

27b. Same; advances.-- Administrative officers may advance thirty days sick leave with pay beyond accrued sick leave in cases of serious disability or ailments and when required by the exigencies of the situation. (March 14, 1936, sec. 3, Public No. 472.)

27c. Same; Post Office Department excepted from provisions of Act.-- Nothing in this Act shall affect the Postmaster General and officers and employees in or under the Post Office Department except those serving in the departmental service and in the Mail Equipment Shops of such Department. (March 14, 1936, sec. 4, Public No. 472.)

27d. Same; existing leave differentials not affected.-- Nothing in this Act shall be construed to prevent the continuance of any existing leave differential now obtaining for the benefit of employees of the Federal Government stationed outside the continental limits of the United States. (March 14, 1936, sec. 5, Public No. 472.)

27e. Same; corporations included within provisions of Act.-- The employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, whether or not the employees thereof are paid from funds appropriated by Congress, shall be included within the provisions of this Act. (March 14, 1936, sec. 6, Public No. 472.)

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27f. Same; regulations by President.-- The leave of absence herein provided for shall be administered under such regulations as the President may prescribe, so as to obtain, so far as practicable, uniformity in the application of this Act. (March 14, 1936, sec. 7, Public No. 472.)

27g. Annual leave of absence; effective date.-- That with the exception of teachers and librarians of the public schools of the District of Columbia and officers and employees of the Panama Canal and Panama Railroad on the Isthmus of Panama, and except as provided in section 4 hereof, all civilian officers and employees of the United States wherever stationed and of the government of the District of Columbia, regardless of their tenure, in addition to any accrued leave, shall be entitled to twenty-six days' annual leave with pay each calendar year, exclusive of Sundays and holidays: Provided, That the part unused in any year shall be accumulated for succeeding years until it totals not exceeding sixty days. This Act shall not affect any sick leave to which employees are now or may hereafter be entitled. Temporary employees, except temporary employees engaged on construction work at hourly rates, shall be entitled to two and one-half days leave for each month of service. The annual leave herein authorized shall be granted at such times as the heads of the various departments and independent establishments may prescribe. This Act becomes effective January 1, 1936. (March 14, 1936, sec. 1, Public No. 471.)

27h. Same; regulations by heads of departments.-- Each head of a department or independent establishment shall issue general public regulations, not inconsistent with law, setting forth the hours of duty per day and per week for each group of employees. Before issuing such regulations, which shall be issued within three months from the date of approval of this Act, the heads of departments and independent establishments shall meet and consult among themselves and make such regulations as nearly uniform as possible so that all employees, temporary or permanent, in all departments and independent establishments shall receive like treatment as nearly as may be practicable: Provided, That heads of departments and independent establishments may appoint a subcommittee to draft such regulations. (March 14, 1936, sec. 2, Public No. 471.)

27i. Same; record of work performed in excess of work required by regulations; report to Congress by Civil Service Commission.-- Each head of a department or independent establishment shall keep a record of all work performed, in excess of the work required by departmental regulations issued in conformance with section 2 hereof, for the period commencing July 1, 1936 and ending December 31, 1936, and shall report same to the Civil Service Commission at the end of each month. The Civil Service Commission shall make a report of such record to the Congress on or before January 31, 1937. (March 14, 1936, sec. 3, Public No. 471.)

27j. Same; Post Office Department excepted from provisions of Act.6- Nothing in this Act shall affect the Postmaster General and officers and employees in or under the Post Office Department: Provided, That officers and employees in the departmental service and in the Mail Equipment Shops of the Post Office Department shall be included within the provisions of this Act. (March 14, 1936, sec. 4, Public No. 471.)

27k. Same; existing leave differentials not affected.-- Nothing in this Act shall be construed to prevent the continuance of any existing leave differential now obtaining ~~for~~ the benefit of employees of the Federal Government stationed outside the continental limits of the United States. (March 14, 1936, sec. 5, Public No. 471.)

27l. Same; corporations included within provisions of Act.-- The employees of any corporation created under authority of an Act of Congress which is either wholly controlled or wholly owned by the United States Government, whether or not the employees thereof are paid from funds appropriated by Congress, shall be included within the provisions of this Act. (March 14, 1936, sec. 6, Public No. 471.)

27m. Same; regulations of President.-- The leave of absence herein provided for shall be administered under such regulations as the President may prescribe, so as to obtain, so far as practicable, uniformity in the application of this Act. (March 14, 1936, sec. 7, Public No. 471.)

30. See 27f.

79a. Compensation due Government employees authorized to be withheld.-- That hereafter, whenever upon the statement of the account of any disbursing officer of the United States in the General Accounting Office credit shall have been disallowed for any payment to any person in the executive branch of the Government, otherwise entitled to compensation from the United States or from any agency or instrumentality thereof, such compensation of the payee may be withheld until full reimbursement has been accomplished under such regulations as may be prescribed by the head of the department, branch, or independent establishment (including corporations) under which such payee is entitled to receive compensation: Provided, That nothing contained in this Act shall be construed to repeal or in any way modify existing laws relating to the collection of the indebtedness of accountable or disbursing officers. (May 26, 1936, Public No. 618.)

79b. Credit in transportation accounts for private automobiles shipped from October 12, 1927, to October 10, 1929.-- That the Comptroller General of the United States is hereby authorized to allow transportation accounts for private automobiles of officers, warrant officers, nurses, enlisted men, or civilian employees shipped as their authorized baggage allowance from October 12, 1927, to October 10, 1929, and within the authorized weight allowance, at classification rates charged by the transportation companies: Provided, That where any amounts have been collected for shipments made during such period of the difference between classification rates and household goods rates as authorized by existing law, the payment, upon presentation of claims therefor, of amounts thus collected to those from whom collected, is authorized and directed. (February 11, 1936, Public No. 436.)

DEPARTMENT OF AGRICULTURE

189. Secretary of Agriculture authorized to use funds appropriated from duties collected under customs laws for purpose of increasing exportation and domestic consumption of agricultural products.-- There is hereby appropriated for each fiscal year beginning with the fiscal year ending June 30, 1936, an amount equal to 30 per centum of the gross receipts from duties collected under the customs laws during the period January 1 to December 31, both inclusive, preceding the beginning of each such fiscal year. Such sums shall be maintained in a separate fund and shall be used by the Secretary of Agriculture only to (1) encourage the exportation of agricultural commodities and products thereof by the payment of benefits in connection with the exportation thereof or of indemnities for losses incurred in connection with such exportation or by payments to producers in connection with the production of that part of any agricultural commodity required for domestic consumption; (2) encourage the domestic consumption of such commodities or products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce; and (3) reestablish farmers' purchasing power by making payments in connection with the normal production of any agricultural commodity for domestic consumption. Determinations by the Secretary as to what constitutes diversion and what constitutes normal channels of trade and commerce and what constitutes normal production for domestic consumption shall be final. Provided, The sums appropriated under this section shall be expended for such one or more of the above-specified purposes, and at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment of any one or more of the purposes of this section: Provided further, That no part of the funds appropriated by this section shall be used for the payment of benefits in connection with the exportation of unmanufactured cotton. PROVIDED FURTHER, THAT DURING THE FISCAL YEARS 1936 AND 1937 IN CARRYING OUT CLAUSE 2 OF SAID SECTION 32, THE SECRETARY OF AGRICULTURE MAY, IF HE FINDS THAT THE PURPOSES OF SAID SECTION WILL BE ACCOMPLISHED THEREBY, PURCHASE WITHOUT REGARD TO SECTION 3709, REVISED STATUTES, AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF, INCLUDING PURCHASES FOR DONATION TO THE FEDERAL SURPLUS COMMODITIES CORPORATION.

Insert on page 4.

153-156. See sections 27 to 27m, of this supplement.

SO MUCH AS MAY BE NECESSARY OF THE AMOUNT APPROPRIATED FOR THE FISCAL YEAR ENDING JUNE 30, 1936, BY SECTION 32 OF THE ACT APPROVED AUGUST 24, 1935 (49 STAT. 774), IS HEREBY MADE AVAILABLE, TO REMAIN AVAILABLE UNTIL EXPENDED, TO ENABLE THE SECRETARY OF AGRICULTURE TO MAKE THE PAYMENTS PROVIDED FOR IN THE 1935 COTTON PRICE ADJUSTMENT PAYMENT PLAN (SET FORTH IN THE PRINTED FORMS ISSUED BY THE SECRETARY OF AGRICULTURE, DESIGNATED FORMS NUMBERS C.A.P. 1 TO 5 AND FORMS SUPPLEMENTARY THERETO) TO THE PERSONS AND IN THE AMOUNTS AND IN THE MANNER PRESCRIBED IN SAID PLAN, EXCEPT THAT THE PROVISIONS OF SAID PLAN WHICH CONDITION THE MAKING OF PAYMENTS UPON THE PRODUCER UNDERTAKING TO COOPERATE IN THE 1936 COTTON ADJUSTMENT PROGRAM FORMULATED UNDER THE AGRICULTURAL ADJUSTMENT ACT SHALL BE OF NO FORCE AND EFFECT AND TO PAY THE NECESSARY ADMINISTRATIVE EXPENSES INCURRED AND TO BE INCURRED IN CONNECTION WITH THE MAKING AND AUDITING OF THE PAYMENTS HEREBY AUTHORIZED BY THE DEPARTMENT OF AGRICULTURE, THE TREASURY DEPARTMENT, AND THE GENERAL ACCOUNTING OFFICE, INCLUDING THE EMPLOYMENT OF PERSONS AND MEANS IN THE CITY OF WASHINGTON AND ELSEWHERE, IN ACCORDANCE WITH SAID PLAN: PROVIDED, THAT APPLICATIONS FOR AND THE PAYMENTS THEREON ARE HEREBY AUTHORIZED AND SUCH FORMS MAY BE EMPLOYED WITHOUT ALTERATION AND PAYMENTS MADE WITHOUT REGARD TO ANY REFERENCES TO ANY UNDERTAKING TO COMPLY WITH THE 1936 COTTON ADJUSTMENT PROGRAM FORMULATED UNDER THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED: PROVIDED FURTHER, THAT PAYMENTS PAYABLE HEREUNDER TO COTTON PRODUCERS WHO IN 1935 OPERATED ON A FARM WHICH WAS NOT IN 1935 COVERED BY A 1934 AND 1935 COTTON ACREAGE REDUCTION CONTRACT OR WHICH IN 1935 WAS COVERED BY SUCH A CONTRACT WHICH WAS NOT COMPLIED WITH IN 1935 SHALL BE MADE AS SOON AS MAY BE WITHOUT DELAYING PAYMENTS TO PRODUCERS WHO IN 1935 OPERATED ON A FARM COVERED BY SUCH A CONTRACT WHICH WAS COMPLIED WITH IN 1935.

ADMINISTRATIVE EXPENSES, EXPORTATION AND DOMESTIC CONSUMPTION OF AGRICULTURAL COMMODITIES: NOT TO EXCEED \$300,000 OF THE APPROPRIATION MADE FOR THE FISCAL YEAR 1936 IN SECTION 32 OF THE ACT ENTITLED "AN ACT TO AMEND THE AGRICULTURAL ADJUSTMENT ACT, AND FOR OTHER PURPOSES", APPROVED AUGUST 24, 1935, IS HEREBY MADE AVAILABLE FOR ADMINISTRATIVE EXPENSES, INCLUDING THE EMPLOYMENT OF PERSONS AND MEANS IN THE CITY OF WASHINGTON AND ELSEWHERE, OTHER THAN ADMINISTRATIVE EXPENSES IN CONNECTION WITH THE 1935 COTTON PRICE ADJUSTMENT PAYMENT PLAN. (August 24, 1935, sec. 32, Public No. 320; FEBRUARY 11, 1936, PUBLIC, NO. 440; February 29, 1936, sec. 2, Public No. 461.)

189a. Grasshopper control.-- That for the application of such methods of control of grasshoppers as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with such authorities of the States concerned, organizations, or individuals as he may deem essential to accomplish such purposes, including the employment of persons and means in the District of Columbia and elsewhere, printing and binding, rent outside of the District of Columbia, and for other expenses there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, to remain

available until June 30, 1937: Provided, That this appropriation shall be used for expenditures of general administration and supervision, purchase and transportation of poisoned bait, or materials for its manufacture, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary and that the cooperating States shall be responsible for the local distribution and utilization of such bait on privately owned lands including full labor costs: Provided further, That, in the discretion of the Secretary of Agriculture, no part of this appropriation shall be expended for grasshopper control in any State until such State has provided the necessary organization for the cooperation herein indicated: Provided further, That no part of this appropriation shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed: Provided further, That procurements under this appropriation may be made by open-market purchases notwithstanding the provisions of section 3709 of the Revised Statutes of the United States (U. S. C., title 41, sec. 5). (June 24, 1936, Public Res. 127.)

189b. James Buell Munn tract in Clayton County, Iowa, granted to State of Iowa.-- That there is hereby granted to the State of Iowa, upon the conditions and limitations hereinafter expressed, the following-described land of the United States lying and being in the Upper Mississippi River Wild Life and Fish Refuge, in Clayton County, Iowa, aggregating five hundred and forty-four and twenty-seven one-hundredths acres, more or less, to be held and administered by said State for the purposes of a State public park:

[Here follows a description of the James Buell Munn tract donated to the Department of Agriculture by Dr. Munn, of New York City.]

The State shall improve and maintain the said land for such purpose, and not otherwise, and shall provide adequate conveniences for the public. No fee or other charge shall ever be imposed or exacted for admission of the public to the park or for use and enjoyment of the park by the public under such reasonable regulations as may be prescribed by the State or its authorized officials. The State shall sedulously safeguard the wildlife in the park from molestation and destruction, and shall do everything reasonably necessary to safeguard the park from injury by fire, or otherwise, and shall preserve the timber and other natural growth in the park from depredation and destruction. In the event the State shall fail to maintain the aforesaid granted land as a State park under the conditions and limitations herein prescribed, or upon abandonment of the park by the State, said land and all improvements thereon shall revert to the United States. (June 4, 1936, Public No. 650.)

189c. Game management supply depot and laboratory.-- That the Secretary of Agriculture is hereby authorized to purchase on behalf of the United States such tract or tracts of land, in Pocatello, Idaho, including structures thereon, as in his judgment may be suitable for the establishment of a game management supply depot and laboratory for use of the Department of Agriculture, and to pay all costs incident to examining, transferring, and perfecting title to said land, and to construct thereon such building or buildings and to repair, add to, or remodel any existing structures thereon, as in his judgment may be suitable for use as a depot and laboratory and to purchase and install therein such equipment machinery as may be necessary for its efficient use and operation; he is authorized to provide such sidewalks and approaches in and around said premises as may be required. That appropriations made for the administration, protection, maintenance, control, improvements, and development of wildlife sanctuaries, reservations, and refuges under the control of the Secretary of Agriculture shall be available for the purchase, transportation, and handling of supplies and materials for distribution at cost from game management supply depots maintained by the Department of Agriculture to projects specially provided for, and transfers between the appropriations for said purposes are hereby authorized in order that the cost of supplies and materials, and transportation and handling thereof, drawn from central warehouses so maintained may be charged to the particular project benefited; and such supplies and materials as remain in said depots at the end of any fiscal year shall be continuously available for issuance during subsequent fiscal years and to be charged for by such transfers of funds between said appropriations for the fiscal year then current without decreasing in any way the appropriations made for that fiscal year: Provided, That supplies and materials shall not be purchased solely for the purpose of increasing the value of storehouse stock beyond reasonable requirements for any current fiscal year. (June 24, 1936, Public Res. 128.)

189e. Secretary of Agriculture authorized to extend lease to Chicago, Milwaukee, and St. Paul Railway Company for ten years.-- That the Secretary of Agriculture be, and he is hereby, authorized, in his discretion, to extend and renew for a term of ten years that certain lease to the Chicago, Milwaukee and Saint Paul Railway Company, bearing date the 26th day of June 1926, of a tract of land in the United States Department of Agriculture Range Livestock Experiment Station, in the State of Montana, containing an approximate area of two hundred and forty-one and sixty-seven one-hundredths acres, and also a strip of land for a right-of-way to said tract, executed by the Secretary of Agriculture under the authority of the Act of Congress approved June 9, 1926, upon the terms and conditions contained in said lease, or such other terms and conditions as the Secretary of Agriculture may deem proper; said renewal and extension to inure to the benefit of Chicago, Milwaukee, Saint Paul and Pacific Railroad Company (successor of said railway company), its trustees in bankruptcy, and of the corporation succeeding to the ownership of its railroad and property. (June 25, 1936, Public No. 798.)

COMPENSATION FOR INJURIES TO
EMPLOYEES OF UNITED STATES

256. * * * In addition to the monthly compensation the Employees' Compensation Commission may pay an injured employee awarded compensation for permanent total disability from injury an additional sum of not more than \$50 a month, as the Commission may deem necessary, when the Commission shall find that the service of an attendant is necessary constantly to be used by reason of the employee being totally blind, or having lost both hands or both feet or the use thereof, or is paralyzed and unable to walk, or by reason of other total disability actually rendering him so helpless as to require constant attendance. (As added to sec. 6 of the Act of September 7, 1916, 39 Stat. 743, by Act of May 13, 1936, Public No. 579.)

AGRICULTURE

COMMODITY EXCHANGE ACT

307. Short title of act.--That this Act may be cited as the "Commodity Exchange Act." (Sept. 1, 1922, sec. 1, 42 Stat. 998; June 15, 1936, sec. 1, Public No. 675; 7 U.S.C., sec. 1.)

307a. Words "grain" and "cash grain" in Grain Futures Act stricken and words substituted therefor.--The Grain Futures Act (U.S.C., 1934 ed., title 7, secs. 1 to 17, inclusive) is amended by striking out the word "grain" wherever it appears in such Act and inserting in lieu thereof "commodity", "any commodity", or "commodities", as the case may require, and by striking out the phrase "cash grain" wherever such phrase appears and inserting in lieu thereof "any cash commodity". (June 15, 1936, sec. 2, Public, No. 675.)

308. "Contract of sale", "person", "grain", "future delivery", "board of trade", "interstate commerce", liability of principal for act of agent.--(a) For the purposes of this Act "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. The word "person" shall be construed to import the plural or singular, and shall include individuals, associations, partnerships, corporations, and trusts. The word "commodity" shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, and *Solanum tuberosum* (Irish potatoes). The term "future delivery", as used herein, shall not include any sale of cash grain for deferred shipment or delivery. The words "board of trade" shall be held to include and mean any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling grain or receiving the same for sale on consignment. The act, omission, or failure of any official, agent, or other person acting for any individual, association, partnership, corporation, or trust within the scope of his employment or office shall be deemed the act, omission, or failure of such individual, association, partnership, corporation, or trust, as well as of such official, agent, or other person. The words "interstate commerce" shall be construed to mean commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof, or within any Territory or possession, or the District of Columbia. The words "cooperative association of producers" shall mean any cooperative association, corporate or otherwise, not less than 75 per centum in good faith owned or controlled, directly or indirectly, by producers of agricultural products and otherwise complying with an Act of Congress of February 18, 1922 (U.S.C., 1934 ed., title 7, secs. 291 and 292), as now or hereafter amended, including any organization acting for a group of such associations and owned or controlled by such associations, provided

that business done for or with the United States of America, or any agency thereof, shall not be considered either member or nonmember business in determining the compliance of any such association with said Act of Congress of February 18, 1922. The words "member of a contract market" shall mean and include individuals, associations, partnerships, corporations, and trusts owning or holding membership in, or admitted to membership representation on, a contract market or given members' trading privileges thereon. The words "futures commission merchant" shall mean and include individuals, associations, partnerships, corporations, and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee, or secure any trades or contracts that result or may result therefrom. The words "floor broker" shall mean any person who, in or surrounding any "pit", "ring", "post", or other place provided by a contract market for the meeting of persons similarly engaged, shall engage in executing for others any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market, and who for such services receives or accepts any commission or other compensation. The words "the commission" shall mean the Commodity Exchange Commission, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General.

(b) For the purposes of this Act (but not in anywise limiting the foregoing definition of interstate commerce) a transaction in respect to any article shall be considered to be in interstate commerce if such article is part of that current of commerce usual in the grain trade whereby grain and grain products and byproducts thereof are sent from one State with the expectation that they will end their transit, after purchase, in another, including, in addition to cases within the above general description, all cases where purchase or sale is either for shipment to another State, or for manufacture within the State and the shipment outside the State of the products resulting from such manufacture. Articles normally in such current of commerce shall not be considered out of such commerce through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this Act. For the purpose of this paragraph the word "State" includes Territory, the District of Columbia, possession of the United States, and foreign nation. (Sept. 1, 1922, sec. 2, 42 Stat. 998; June 15, 1936, sec. 3, Public, No. 675; 7 U.S.C., secs. 2, 3, 4.)

310. Prohibition against dealing in grain futures; general exceptions.--It shall be unlawful for any person to deliver for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication any offer to make or execute, or any confirmation of the execution of, or any quotation or report of the price of, any contract of sale of grain for future delivery on or subject to the rules of any board of trade in the United States, or for any person to make or execute such contract of sale, which is or may be used for (a) hedging any transaction in interstate commerce in grain

or the products or by-products thereof, or (b) determining the price basis of any such transaction in interstate commerce, or (c) delivering grain sold, shipped, or received in interstate commerce for the fulfillment thereof, except, in any of the following cases, where such contract is made by or through a member of a board of trade which has been designated by the Secretary of Agriculture as a "contract market", as hereinafter provided, and if such contract is evidenced by a record in writing which shows the date, the parties to such contract and their addresses, the property covered and its price, and the terms of delivery: Provided, That each board member shall keep such record for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, which record shall at all times be open to the inspection of any representative of the United States Department of Agriculture or the United States Department of Justice. (Sept. 21, 1922, sec. 4, 42 Stat. 999; June 15, 1936, sec. 4, Public, No. 675, 70 U.S.C., sec. 6.)

310a. (1) Excessive speculation in any commodity under contracts of sale of such commodity for future delivery made on or subject to the rules of contract markets causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity. For the purpose of diminishing, eliminating, or preventing such burden, the commission shall, from time to time, after due notice and opportunity for hearing, by order, proclaim and fix such limits on the amount of trading under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market which may be done by any person as the commission finds is necessary to diminish, eliminate, or prevent such burden. Nothing in this section shall be construed to prohibit the commission from fixing different trading limits for different commodities, markets, futures, or delivery months, or different trading limits for buying and selling operations, or different limits for the purposes of subparagraphs (A) and (B) of this section, or from exempting transactions commonly known to the trade as "spreads" or "straddles" or from fixing trading limits applying to such transactions different from trading limits fixed for other transactions.

(2) The commission shall, in such order, fix a reasonable time (not to exceed ten days) after the order's promulgation; after which, and until such order is suspended, modified, or revoked, it shall be unlawful for any person--

(A) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of the contract market or markets to which the order applies, any amount of such commodity during any one business day in excess of any trading limit fixed for one business day by the commission in such order for or with respect to such commodity; or

(B) directly or indirectly to buy or sell, or agree to buy or sell, under contracts of sale of such commodity for future delivery on or subject to the rules of any contract market, any amount of such commodity that shall result in giving

such person a net long or net short position at any one time in or with respect to any such commodity in excess of any trading limit fixed by the commission for net long or net short position in such order for or with respect to such commodity.

(3) No order issued under paragraph (1) of this section shall apply to transactions which are shown to be bona fide hedging transactions. For the purposes of this paragraph, bona fide hedging transactions shall mean sales of any commodity for future delivery on or subject to the rules of any board of trade to the extent that such sales are offset in quantity by the ownership or purchase of the same cash commodity or, conversely, purchases of any commodity for future delivery on or subject to the rules of any board of trade to the extent that such purchases are offset by sales of the same cash commodity. There shall be included in the amount of any commodity which may be hedged by any person--

(A) the amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months, on land (in the United States or its Territories) which such person owns or leases;

(B) an amount of such commodity the sale of which for future delivery would be a reasonable hedge against the products or by-products of such commodity owned or purchased by such person, or the purchase of which for future delivery would be a reasonable hedge against the sale of any product or byproduct of such commodity by such person.

(4) This section shall apply to a person that is registered as a futures commission merchant or as floor broker under authority of this Act only to the extent that transactions made by such person are made on behalf of or for the account or benefit of such person. This section shall not apply to transactions made by, or on behalf of, or at the direction of, the United States, or a duly authorized agency thereof. (Sec. 4a, as added June 15, 1936, sec. 5, Public, No. 675.)

310b. It shall be unlawful for any member of a contract market, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of (1) any contract of sale of any commodity in interstate commerce, or (2) any contract of sale of any commodity for future delivery made, or to be made, on or subject to the rules of any contract market for or on behalf of any person if such contract for future delivery is or may be used for (a) hedging any transaction in interstate commerce in such commodity or the products or by products thereof, or (b) determining the price basis of any transaction in interstate commerce in such commodity, or (c) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof--

(A) to cheat or defraud or attempt to cheat or defraud such person;

(B) willfully to make or cause to be made to such person any false report or statement thereof, or willfully to enter or cause to be entered for such person any false record thereof;

(C) wilfully to deceive or attempt to deceive such person by any means whatsoever in regard to any such order or contract or the disposition or execution of any such order or contract, or in regard to any act of agency performed with respect to such order or contract for such person; or

(D) to bucket such order, or to fill such order by offset against the order or orders of any other person, or willfully and knowingly and without the prior consent of such person to become the buyer in respect to any selling order of such person, or become the seller in respect to any buying order of such person.

Nothing in this section or in any other section of this Act shall be construed to prevent a futures commission merchant or floor broker who shall have in hand, simultaneously, buying and selling orders at the market for different principals for a like quantity of cotton for future delivery in the same month, from executing such buying and selling orders at the market price; Provided, That any such execution shall take place on the floor of the exchange where such orders are to be executed at public outcry across the ring and shall be duly reported, recorded, and cleared in the same manner as other orders executed on such exchange. (Sec. 4b, as added June 15, 1936, sec. 5, Public, No. 675.)

310c. It shall be unlawful for any person to offer to enter into, enter into, or confirm the execution of, any transaction involving any commodity, which is or may be used for (1) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof, or (2) determining the price basis of any such transaction in interstate commerce in such commodity, or (3) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof--

(A) if such transaction is, is of the character of, or is commonly known to the trade as, a "wash sale", "cross trade", or "accommodation trade", or is a fictitious sale;

(B) if such transaction is, is of the character of, or is commonly known to the trade as, a "privilege", "indemnity", "bid", "offer", "put", "call", "advance guaranty", or "deadline guaranty", or

(C) if such transaction is used to cause any price to be reported, registered, or recorded which is not a true and bona fide price.

Nothing in this section shall be construed to prevent the exchange of futures in connection with cash commodity transactions or of futures for cash commodities, or of transfer trades or office trades if made in accordance with board of trade rules applying to such transactions and such rules shall not have been disapproved by the Secretary of Agriculture. Nothing in this section or section 4b shall be construed to impair any State law applicable to any transaction enumerated or described in such sections. (Sec. 4c, as added June 15, 1936, sec. 5, Public, No. 675.)

310d. It shall be unlawful for any person to engage as futures commission merchant in soliciting orders or accepting orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless--

(1) such person shall have registered, under this Act, with the Secretary of Agriculture as such futures commission merchant and such registration shall not have expired nor been suspended nor revoked; and

(2) such person shall, whether a member or nonmember of a contract market, treat and deal with all money, securities, and property received by such person to margin, guarantee, or secure the trades or contracts of any customer of such person, or accruing to such customer as the result of such trades or contracts, as belonging to such customer. Such money, securities, and property shall be separately accounted for and shall not be commingled with the funds of such commission merchant or be used to margin or guarantee the trades or contracts, or to secure or extend the credit, of any customer or person other than the one for whom the same are held: Provided, however, That such money, securities, and property of the customers of such futures commission merchant may, for convenience, be commingled and deposited in the same account or accounts with any bank or trust company or with the clearing house organization of such contract market, and that such share thereof as in the normal course of business shall be necessary to margin, guarantee, secure, transfer, adjust, or settle the contracts or trades of such customers, or resulting market positions, with the clearing-house organization of such contract market or with any member of such contract market, may be withdrawn and applied to such purposes, including the payment of commissions, brokerage, interest, taxes, storage, and other charges, lawfully accruing in connection with such contracts and trades: Provided further, That such money may be invested in obligations of the United States, in general obligations of any State or of any political subdivision thereof, in obligations fully guaranteed as to principal and interest by the United States, and in "investment securities" as defined in and under authority of section 5136 of the Revised Statutes, as amended, and, subject to approval by the Secretary of Agriculture, may be loaned on the security of negotiable warehouse receipts conveying or securing title to readily marketable commodities to the extent of the current loan value of such receipts, such investments and loans to be made in accordance with such rules and regulations and subject to such conditions as the Secretary of Agriculture may prescribe. (Sec. 4d, as added June 15, 1936, sec. 5, Public, No. 675.)

310e. It shall be unlawful for any person to act as floor broker in executing any orders for the purchase or sale of any commodity for future delivery, or involving any contracts of sale of any commodity for future delivery, on or subject to the rules of any contract market unless such person shall have registered, under this Act, with the Secretary of Agriculture as such floor broker and such registration shall not have expired nor been suspended nor revoked. (Sec. 4e, as added, June 15, 1936, sec. 5, Public, No. 675.)

310f. (1) Any person desiring to register as futures commission merchant or as floor broker hereunder shall be registered upon application to the Secretary of Agriculture, which application shall be made in form and manner to be prescribed by the Secretary of Agriculture, giving such information and facts as the Secretary of Agriculture may deem necessary concerning the business in which the applicant is or will be engaged, including, in the case of applications of futures commission merchants, the names and addresses of the managers of all branch offices and of all correspondents and agents engaged in soliciting or accepting on behalf of such applicant any orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any board of trade, and including also the names of its officers and partners, if a partnership, and of its officers, directors, and stockholders, as the Secretary of Agriculture may direct, if a corporation. Such person, when registered hereunder, shall likewise continue to report and furnish to the Secretary of Agriculture the above-mentioned information and such other information pertaining to his business as the Secretary of Agriculture may require. All registrations shall expire on the 31st day of December of the year for which issued, and shall be renewed upon application therefor unless the registration has been suspended (and the period of such suspension has not expired) or revoked after notice and hearing as prescribed in section 4g of this Act.

(2) Any person registered as futures commission merchant hereunder shall post in a conspicuous place in each of the offices maintained by such person in the United States in which orders for the purchase or sale of any commodity for future delivery are solicited or accepted, the original or duplicate copy (issued by the Secretary of Agriculture) of such person's registration certificate as such futures commission merchant. (Sec. 4f, as added June 15, 1936, sec. 5, Public, No. 675.)

310g. If any person registered hereunder as futures commission merchant or floor broker shall violate any of the provisions of this Act, or any of the rules or regulations of the Secretary of Agriculture thereunder, or shall fail or refuse to make any report required by the Secretary of Agriculture regarding the transactions of such person, or the transactions of the customers thereof, in commodities for future delivery on any board of trade in the United States or elsewhere, or shall fail or refuse to keep the books and records pertaining to such transactions in the form and manner required by the Secretary of Agriculture, or shall fail or refuse to keep such books and records open to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice, the registration of such person may be suspended or revoked after notice and hearing in accordance with the procedure and subject to the judicial review provided in paragraph (b) of section 6 of this Act 7 U.S.C., sec. 9. (Sec. 4g, as added June 15, 1936, sec. 5, Public, No. 675.)

310h. It shall be unlawful for any person--

(1) to conduct any office or place of business anywhere in the United States or its territories for the purpose of soliciting or accepting any orders for the purchase or sale of any commodity for future delivery, or for making or offering to make any contracts for the purchase or sale of any commodity for future delivery, or for conducting any dealings in commodities for future delivery, that are or may be used for

(A) hedging any transaction in interstate commerce in such commodity or the products or byproducts thereof; or

(B) determining the price basis of any such transaction in interstate commerce, or

(C) delivering any such commodity sold, shipped, or received in interstate commerce for the fulfillment thereof,

if such orders, contracts, or dealings are executed or consummated otherwise than by or through a member of a contract market; or

(2) falsely to represent such person to be a member of a contract market, or the representative or agent of such member, or to be a futures commission merchant registered under this Act, or the agent of such registered futures commission merchant, in soliciting or handling any order or contract for the purchase or sale of any commodity in interstate commerce or for future delivery, or falsely to represent in connection with the handling of any such order or contract that the same is to be or has been executed on, or by or through any member of, any contract market. (Sec. 4h, as added June 15, 1936, sec. 5, Public, No. 675.)

310i. It shall be unlawful for any person to make any contract for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market unless such person shall report or cause to be reported to the properly designated officer in accordance with the rules and regulations of the Secretary of Agriculture (1) whenever such person shall directly or indirectly make such contracts with respect to any commodity, or any future of such commodity, during any one day in an amount equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture; and (2) whenever such person shall directly or indirectly have or obtain a long or short position in any commodity or in any future of such commodity, equal to or in excess of such amount as shall be fixed from time to time by the Secretary of Agriculture. Such person shall also keep books and records of transactions coming within the provisions of (1) and (2) hereof, which books and records shall show complete details concerning all such transactions, including the names and addresses of all persons having any interest therein, and shall be open at all times to inspection by any representative of the United States Department of Agriculture or the United States Department of Justice." (Sec. 4i, as added June 15, 1936, sec. 5, Public No. 675.)

311. Designation of boards of trade as "contract markets"; conditions.--That the Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements:

(a) When located at a terminal market where cash grain of the kind specified in the contracts of sale of grain for future delivery to be executed on such board is sold in sufficient volume and under such conditions as fairly to reflect the general value of the grain and the differences in value between the various grades of such grain, and where there is available to such board of trade official inspection service approved by the Secretary of Agriculture for the purpose: Provided, That any board of trade not so located shall be designated as a "contract market" if such

board of trade provides for the delivery of commodities on such contracts at a delivery point or points and upon terms and conditions approved by the Secretary of Agriculture.

(b) When the governing board thereof provides for the making and filing by the board or any member thereof, as the Secretary of Agriculture may direct, of reports in accordance with the rules and regulations, and in such manner and form and at such times as may be prescribed by the Secretary of Agriculture, showing the details and terms of all transactions entered into by the board, or the members thereof, either in cash transactions consummated at, on, or in a board of trade, or transactions for future delivery, and when such governing board provides, in accordance with such rules and regulations, for the keeping of a record by the board or the members of the board of trade, as the Secretary of Agriculture may direct, showing the details and terms of all cash and future transactions entered into by them, consummated at, on, or in a board of trade, such record to be in permanent form, showing the parties to all such transactions, including the persons for whom made, any assignments or transfers thereof, with the parties thereto, and the manner in which said transactions are fulfilled, discharged, or terminated. Such records shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and shall at all times be open to the inspection of any representative of the United States Department of Agriculture or United States Department of Justice.

(c) When the governing board thereof provides for the prevention of dissemination by the board or any member thereof, of false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce.

(d) When the governing board thereof provides for the prevention of manipulation of prices and the cornering of any grain by the dealers or operators upon such board.

(e) When the governing board thereof does not exclude from membership in, and all privileges on, such board of trade, any duly authorized representative of any lawfully formed and conducted cooperative association of producers having adequate financial responsibility which is engaged in cash grain business, if such association has complied, and agrees to comply, with such terms and conditions as are or may be imposed lawfully on other members of such board: Provided, That no rule of a contract market shall forbid or be construed to forbid the return on a patronage basis by such cooperative association to its bona fide members of moneys collected in excess of the expense of conducting the business of such association.

(f) When the governing board provides for making effective the final orders or decisions entered pursuant to the provisions of paragraph (b) of section 6 of this Act 7 U.S.C., sec. 9. (Sept. 21, 1922, sec. 5, 42 Stat. 1000; June 15, 1936, sec. 6, Public, No. 675.)

311a. Each contract market shall--

(1) promptly furnish the Secretary of Agriculture copies of all bylaws, rules, regulations, and resolutions made or issued by it or by the governing board thereof or any committee, and of all changes and proposed changes therein;

(2) allow inspection at all times by any authorized representative of the United States Department of Agriculture or United States Department of Justice of the books, records, and all minutes and journals of proceedings of such contract market, its governing board and all committees, and of all subsidiaries and affiliates of such contract market, which books, records, minutes, and journals of proceedings shall be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct;

(3) require the operators of warehouses in which or out of which any commodity is deliverable on any contract for future delivery made on or subject to the rules of such contract market, to make such reports, keep such records, and permit such warehouse visitation as the Secretary of Agriculture may prescribe. Such books and records shall be required to be kept for a period of three years from the date thereof, or for a longer period if the Secretary of Agriculture shall so direct, and such books, records, and warehouses shall be open at all times to inspection by any representative of the United States Department of Agriculture or United States Department of Justice;

(4) when so directed by order of the Secretary of Agriculture, provide for a period, after trading in contracts of sale of any commodity for future delivery in a delivery month has ceased, during which contracts of sale of such commodity for future delivery in such month may be satisfied by the delivery of the actual cash commodity. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that provision for such a period of delivery for any one or more commodities or markets would prevent or tend to prevent "squeezes" and market congestion endangering price stability, he shall, by order, require such period of delivery (which shall be not less than three nor more than ten business days) applicable to such commodities and markets as he finds will prevent or tend to prevent such "squeezes" and market congestion: Provided, however, That such order shall not apply to then existing contracts;

(5) require the party making delivery of any commodity on any contract of sale of such commodity for future delivery to furnish the party obligated under the contract to accept delivery, written notice of the date of delivery at least one business day prior to such date of delivery. Whenever, after due notice and opportunity for hearing, the Secretary of Agriculture finds that the giving of longer notice of delivery is necessary to prevent or diminish unfair practices in trading in any one or more commodities or markets, he shall by order require such longer notice of delivery (which shall be not more than ten business days) applicable to such commodities and markets as he finds will prevent or diminish such unfair practices; Provided, however, That such order shall not apply to then existing contracts;

(6) require that all contracts of sale of any commodity for future delivery on such contract market shall provide for the delivery thereunder of commodities of grades conforming to United States standards, if such standards shall have been officially promulgated; and

(7) require that receipts issued under the United States Warehouse Act (U.S.C., 1934 ed., title 7, secs. 241-273) shall be accepted in satisfaction of any futures contract, made on or subject to the rules of such contract market, without discrimination and notwithstanding that the warehouseman issuing such receipts is not also licensed as a warehouseman under

the laws of any State or enjoys other or different privileges than under State laws: Provided, however, That such receipts shall be for the kind, quality, and quantity of commodity specified in such contract and that the warehouse in which the commodity is stored meets such reasonable requirements as may be imposed by such contract market on other warehouses as to location, accessibility, and suitability for warehousing and delivery purposes. (Sec. 5a, as added June 15, 1936, sec. 7, Public, No. 675.)

311b. The failure or refusal of any board of trade to comply with any of the provisions of this Act, or any of the rules and regulations of the Secretary of Agriculture thereunder, shall be cause for suspending for a period not to exceed six months or revoking the designation of such board of trade as a "contract market" in accordance with the procedure and subject to the judicial review provided in paragraph (a) of section 6 of this Act. (Sec. 5b, as added June 15, 1936, sec. 7, Public, No. 675.)

312. Application for designation as "contract market"; suspension or revocation of designation; composition of commission; review; exclusion from privilege of "contract market"; provisions of Interstate Commerce Act made applicable.--Any board of trade desiring to be designated a "contract market" shall make application to the Secretary of Agriculture for such designation and accompany the same with a showing that it complies with the above conditions, and with a sufficient assurance that it will continue to comply with the above requirements.

(a) A commission composed of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General is authorized to suspend for a period not to exceed six months or to revoke the designation of any board of trade as a "contract market" upon a showing that such board of trade has failed or is failing to comply with any of the above requirements or is not enforcing its rules of government made a condition of its designation as set forth in section 5 7 U.S.C., sec. 77. Such suspension or revocation shall only be after a notice to the officers of the board of trade affected and upon a hearing: Provided, That such suspension or revocation shall be final and conclusive unless within fifteen days after such suspension or revocation by the said commission such board of trade appeals to the circuit court of appeals for the circuit in which it has its principal place of business by filing with the clerk of such court a written petition praying that the order of the said commission be set aside or modified in the manner stated in the petition, together with a bond in such sum as the court may determine, conditioned that such board of trade will pay the costs of the proceedings if the court so directs. The clerk of the court in which such a petition is filed shall immediately cause a copy thereof to be delivered to the Secretary of Agriculture, chairman of said commission, or any member thereof, and the said commission shall forthwith prepare, certify, and file in the court a full and accurate transcript of the record in such proceedings, including the notice to the board of trade, a copy of the charges, the evidence, and the report and order. The testimony and evidence taken or submitted before the said commission duly certified and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case. The proceedings in

such cases in the circuit court of appeals shall be made a preferred cause and shall be expedited in every way. Such a court may affirm or set aside the order of the said commission or may direct it to modify its order. No such order of the said commission shall be modified or set aside by the circuit court of appeals unless it is shown by the board of trade that the order is unsupported by the weight of the evidence or was issued without due notice and a reasonable opportunity having been afforded to such board of trade for a hearing, or infringes the Constitution of the United States, or is beyond the jurisdiction of said commission: Provided further, That if the Secretary of Agriculture shall refuse to designate as a contract market any board of trade that has made application therefor, then such board of trade may appeal from such refusal to the commission described therein, consisting of the Secretary of Agriculture, the Secretary of Commerce, and the Attorney General of the United States, with the right to appeal as provided for in other cases in this section, the decision on such appeal to be final and binding on all parties interested.

(b) If the Secretary of Agriculture has reason to believe that any person (other than a contract market) is violating or has violated any of the provisions of this Act, or any of the rules and regulations made pursuant to its requirements, or has manipulated or is attempting to manipulate the market price of any commodity, in interstate commerce, or for future delivery on or subject to the rules of any board of trade, he may serve upon such person a complaint stating his charges in that respect, to which complaint shall be attached or contained therein a notice of hearing, specifying a day and place not less than three days after the service thereof, requiring such person to show cause why an order should not be made directing that all contract markets until further notice of the Secretary of Agriculture refuse all trading privileges to such person, and to show cause why the registration of such person, if registered as futures commission merchant or as floor broker hereunder, should not be suspended or revoked. Said hearing may be held in Washington, District of Columbia, or elsewhere, before the Secretary of Agriculture, or before a referee designated by the Secretary of Agriculture, which referee shall cause all evidence to be reduced to writing and forthwith transmit the same to the Secretary of Agriculture. That for the purpose of securing effective enforcement of the provisions of this Act the provisions, including penalties of the Interstate Commerce Act, as amended, and supplemented (U.S.C., 1934 ed., title 49, secs. 12, 46, 47 and 48), relating to the attendance and testimony of witnesses, the production of documentary evidence, and the immunity of witnesses, ~~are made applicable~~ to the power, jurisdiction, and authority of the Secretary of Agriculture, the said commission, ~~and~~ said referee in proceedings under this Act, and to persons subject to its provisions. Upon evidence received, the Secretary of Agriculture may require all contract markets to refuse such person all trading privileges thereon for such period as may be specified in the order, and, if such person is registered as futures commission merchant or as floor broker hereunder, may suspend, for a period not to exceed six months, or revoke, the registration of such person. Notice of such order shall be sent forthwith by registered mail or delivered to the offending person and to the governing boards of said contract markets. After the issuance of the order by the Secretary of Agriculture as aforesaid, the person against whom it is issued may obtain a review of such order or

such other equitable relief as to the court may seem just by filing in the United States circuit court of appeals of the circuit in which the petitioner is doing business a written petition praying that the order of the Secretary of Agriculture be set aside. A copy of such petition shall be forthwith served upon the Secretary of Agriculture by delivering such copy to him, and thereupon the Secretary of Agriculture shall forthwith certify and file in the court a transcript of the record theretofore made, including evidence received. Upon the filing of the transcript the court shall have jurisdiction to affirm, to set aside, or modify the order of the Secretary of Agriculture, and the findings of the Secretary of Agriculture as to the facts, if supported by the weight of evidence, shall in like manner be conclusive. In proceedings under paragraphs (a) and (b) the judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 240 of the Judicial Code, as amended. (Sept. 21, 1922, 42 Stat. 1001, sec. 6; June 15, 1936, sec. 8, Public No. 675; 7 U.S.C., secs. 8, 9, 10, 15.)

312a. (1) No board of trade which has been designated as a "contract market" shall exclude from membership in, and all privileges on, such board of trade, any association or corporation engaged in cash commodity business having adequate financial responsibility which is organized under the cooperative laws of any State, or which has been recognized as a cooperative association of producers by the United States Government or by any agency thereof, if such association or corporation complies and agrees to comply with such terms and conditions as are or may be imposed lawfully upon other members of such board, and as are or may be imposed lawfully upon a cooperative association of producers engaged in cash commodity business, unless such board of trade is authorized by the commission to exclude such association or corporation from membership and privileges after hearing held upon at least three days' notice subsequent to the filing of complaint by the board of trade: Provided, however, That if any such association or corporation shall fail to meet its obligations with any established clearing house or clearing agency of any contract market, such association or corporation shall be ipso facto debarred from further trading on such contract market, except such trading as may be necessary to close open trades and to discharge existing contracts in accordance with the rules of such contract market applicable in such cases. Such commission may prescribe that such association or corporation shall have and retain membership and privileges, with or without imposing conditions, or it may permit such board of trade immediately to bar such association or corporation from membership and privileges. Any order of said commission entered hereunder shall be reviewable by the circuit court of appeals for the circuit in which such association or corporation, or such board of trade, has its principal place of business, on written petition either of such association or corporation, or of such board of trade, under the procedure provided in paragraph (a) of section 6 of this Act, but such order shall not be stayed by the court pending review.

(2) No rule of any board of trade designated as a contract market shall forbid or be construed to forbid the payment of compensation on a commodity-unit basis, or otherwise, by any federated cooperative association to its regional member-associations for services rendered or to be rendered in connection with any organization work, educational activity, or procurement

of patronage, provided no part of any such compensation is returned to patrons (whether members or nonmembers) of such cooperative association, or of its regional or local member-associations, otherwise than as a dividend on capital stock or as a patronage dividend out of the net earnings or surplus of such federated cooperative association. (Sec. 6a, as added June 15, 1936, sec. 9, Public, No. 675.)

312b. If any board of trade, or any director, officer, agent, or employee of any board of trade is violating or has violated any of the provisions of this Act or any of the rules or regulations of the Secretary of Agriculture thereunder, or any order issued by the commission pursuant to any provision of this Act, the commission in lieu of revoking the designation of such board of trade as a "contract market" may, upon notice and hearing and subject to appeal as in other cases provided for in paragraph (a) of section 6 of this Act, make and enter an order directing that such board of trade, director, officer, agent, or employee shall cease and desist from such violation or violations, and if such board of trade, director, officer, agent, or employee, thereafter and after the lapse of the period allowed for appeal of such order or after the affirmance of such order, shall fail or refuse to obey or comply with such order, such board of trade, director, officer, agent, or employee shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500 nor more than \$10,000 or imprisoned for not less than six months nor more than one year, or both. Each day during which such failure or refusal to obey such order continues shall be deemed a separate offense. (Sec. 6b, as added June 15, 1936, sec. 9, Public, No. 675.)

314a. The Secretary of Agriculture is authorized--

(1) to register futures commission merchants and floor brokers upon application in accordance with rules and regulations and in form and manner to be prescribed by the Secretary of Agriculture; and

(2) to refuse to register any person if such person has violated any of the provisions of this Act or any of the rules or regulations promulgated by the Secretary of Agriculture hereunder for which the registration of such person has been suspended (and the period of such suspension shall not have expired) or has been revoked; and

(3) to suspend or revoke the registration of any futures commission merchant who shall knowingly accept any order for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market from any person if such person has been denied trading privileges on any contract market by order of the Secretary of Agriculture under the provisions of paragraph (b) of section 6 of this Act and the period of denial specified in such order shall not have expired; and

(4) to fix and establish from time to time fees and charges for registrations and renewals thereof and for copies of registration certificates, not to exceed \$10 for each such registration, renewal, or copy; and

(5) to make and promulgate such rules and regulations as, in the judgment of the Secretary of Agriculture, are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of this Act; and

(6) to communicate to the proper committee or officer of any contract market and to publish, notwithstanding the provisions of section 8 of this Act, the full facts concerning any transaction or market operation,

including the names of parties thereto, which in the judgment of the Secretary of Agriculture disrupts or tends to disrupt any market or is otherwise harmful or against the best interests of producers and consumers. (Sec. 8a, as added June 15, 1936, sec. 10, Public, No. 675.)

315. Violations; punishment.--Any person who shall violate the provisions of section 4, section 4a, section 4b, section 4c, section 4d, section 4e, section 4f, or section 4i of this Act, or who shall manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any board of trade, or who shall corner or attempt to corner any such commodity, or who shall fail to evidence any contract mentioned in section 4 of this Act by a record in writing as therein required, or who shall knowingly or carelessly deliver or cause to be delivered for transmission through the mails or in interstate commerce by telegraph, telephone, wireless, or other means of communication false or misleading or knowingly inaccurate reports concerning crop or market information or conditions that affect or tend to affect the price of grain in interstate commerce, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than \$10,000 or imprisoned for not more than one year, or both, together with the costs of prosecution. (Sept. 21, 1922, sec. 9, 42 Stat. 1003; June 15, 1936, sec. 11, Public, No. 675; 7 U.S.C., sec. 13.)

318a. If any provision of this Act which is amendatory of any section of the Grain Futures Act, or the application thereof to any person or circumstances is held invalid, the provisions of the section of the Grain Futures Act which is amended by such provision of this Act shall apply to such person or circumstances. No proceeding shall be abated by reason of any amendment to the Grain Futures Act made by this Act but shall be disposed of pursuant to this Act. (June 15, 1936, sec. 12, Public, No. 675.)

318b. All provisions of this Act authorizing the registration of futures commission merchants and floor brokers, the fixing of fees and charges therefor, the promulgation of rules, regulations, and orders, and the holding of hearings precedent to the promulgation of rules, regulations and orders shall be effective immediately. All other provisions of this Act shall take effect ninety days after the enactment of this Act. (June 15, 1936, sec. 13, Public, No. 675.)

NURSERY STOCK AND OTHER PLANTS

AND PLANT PRODUCTS

390. Terminal inspection by State; forwarding by postmasters of packages for inspection and disposition thereof; violations; punishment; regulations.--That hereafter when any State shall provide for terminal inspection of plants and plant products, and shall establish and maintain, at the sole expense of the State, such inspection at one or more places therein, the proper official of said State may submit to the Secretary of Agriculture a list

of plants and plant products, and the plant pests transmitted thereby, that in the opinion of said officials should be subject to terminal inspection in order to prevent the introduction or dissemination in said State of pests injurious to agriculture. Upon his approval of said list, in whole or in part, the Secretary of Agriculture shall transmit the same to the Postmaster General, and thereafter all packages containing any plants or plant products named in said approved lists shall, upon payment of postage therefor, be forwarded by the postmaster at the destination of said package to the proper State official at the nearest place where inspection is maintained. If the plants or plant products (including seed) are found upon inspection to be free from injurious pests and not in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, or if infected shall be disinfected by said official, they shall upon payment of postage therefor be returned to the postmaster at the place of inspection to be forwarded to the person to whom they are addressed; but if found to be infected with injurious pests and incapable of satisfactory disinfection or in violation of a plant-quarantine law or plant-quarantine regulation of the United States Department of Agriculture or of the State of destination pertaining to such injurious pests, the State inspector shall so notify the postmaster at the place of inspection who shall promptly notify the sender of said plants or plant products that they will be returned to him upon his request and at his expense, or in default of such request that they will be turned over to the State authorities for destruction. On and after the passage and approval of this Act it shall be unlawful for any person, firm, or corporation to deposit in the United States mails any package containing any plant or plant product addressed to any place within a State maintaining inspection thereof, as herein defined, without plainly marking the package so that its contents may be readily ascertained by an inspection of the outside thereof. Whoever shall fail to so mark said packages shall be punished by a fine of not more than \$100. The Postmaster General is hereby authorized and directed to make all needful rules and regulations for carrying out the purposes hereof. (Mar. 4, 1915, 38 Stat. 1113; June 4, 1936, Public, No. 643; 7 U.S.C. § sec. 166.)

AGRICULTURAL EXTENSION WORK APPROPRIATION

476a. Extension to Alaska of Adams, Purnell, and Capper-Ketcham Acts.--That the following Acts, to wit, an Act entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof", approved March 16, 1906, and known as the Adams Act; an Act entitled "An Act to authorize the more complete endowment of agricultural experiment stations, and for other purposes", approved February 24, 1925, and known as the Purnell Act; and an Act entitled "An Act to provide for the further development of agricultural extension work between the agricultural colleges in the several states receiving the benefit of the Act entitled 'An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts', approved July 2, 1862, and all Acts supplementary thereto, and the United States Department of Agriculture", approved

May 22, 1928, and known as the Capper-Ketcham Act, be, and the same are hereby, extended to the Territory of Alaska. (June 20, 1936, sec. 1, Public No. 725.)

476b. Same; appropriations authorized under Adams and Purnell Acts.-- To carry into effect the above provisions for extending to the Territory of Alaska to the extent herein provided, the benefits of the said Adams Act and the said Purnell Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$5,000; for the fiscal year ending June 30, 1938, \$7,500; for the fiscal year ending June 30, 1939, \$10,000; for the fiscal year ending June 30, 1940, \$12,500; for the fiscal year ending June 30, 1941, \$15,000; for the fiscal year ending June 30, 1942, \$17,500; for the fiscal year ending June 30, 1943, \$20,000; for the fiscal year ending June 30, 1944, \$22,500; for the fiscal year ending June 30, 1945, \$27,500; for the fiscal year ending June 30, 1946, \$32,500; for the fiscal year ending June 30, 1947, \$37,500; and thereafter a sum equal to one-half of that provided for each State and Territory under the said Adams Act and the said Purnell Act: Provided, That no appropriations shall be made under this Act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds in maintaining agricultural experiment stations. (June 20, 1936, sec. 2, Public, No. 725.)

476c. Same; appropriation authorized under Capper-Ketcham Act.-- To carry into effect the above provisions for extending to the Territory of Alaska, to the extent herein provided, the benefits of the said Capper-Ketcham Act the following sums are hereby authorized to be appropriated: For the fiscal year ending June 30, 1937, \$2,500; for the fiscal year ending June 30, 1938, \$5,000; for the fiscal year ending June 30, 1939, \$7,500; for the fiscal year ending June 30, 1940, and annually thereafter, \$10,000; Provided, That no appropriations shall be made under this Act until annually estimated as to funds and amounts by the Secretary of Agriculture, the estimates to be based upon his determination of the ability of the Territory of Alaska to make effective use of the funds: And provided further, That whereas the said Capper-Ketcham Act provides that "at least 80 per centum of all appropriations under this Act shall be utilized for the payment of salaries of extension agents in counties of the several States to further develop the cooperative extension system in agriculture and home economics with men, women, boys, and girls", the several established judicial divisions of the Territory of Alaska, as the same shall exist from time to time, shall be considered as counties for the purpose of complying with the provisions of this Act until a subdivision of the Territory of Alaska into counties is effected. (June 20, 1936, sec. 3, Public, No. 725.)

M I S C E L L A N E O U S M A T T E R S

549a. Purchases within United States reservations of gasoline, etc., not for exclusive use of United States subject to tax of State, Territory, or District of Columbia.-- (a) That all taxes levied by any State, Territory or the District of Columbia upon sales of gasoline and other motor vehicle fuels may be levied, in the same manner and to the same extent, upon such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory or the District of Columbia, within whose borders the reservation affected may be located.

(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel not sold for the exclusive use of the United States during the preceding month. (June 16, 1936, sec. 10, Public No. 686.)

P E R I S H A B L E A G R I C U L T U R A L

C O M M O D I T I E S A C T ,

UNFAIR CONDUCT

574. What constitutes.-- It shall be unlawful in or in connection with any transaction in interstate or foreign commerce--

(1) For any commission merchant or broker to make any fraudulent charge in respect of any perishable agricultural commodity received in interstate or foreign commerce;

(2) For any dealer to reject or fail to deliver in accordance with the terms of the contract without reasonable cause any perishable agricultural commodity bought or sold or contracted to be bought, sold, or consigned in interstate or foreign commerce by such dealer;

(3) For any commission merchant to discard, dump, or destroy without reasonable cause any perishable agricultural commodity received by such commission merchant in interstate or foreign commerce;

(4) For any commission merchant, dealer, or broker to make, for a fraudulent purpose, any false or misleading statement in connection with any transaction involving any perishable agricultural commodity which is received in interstate or foreign commerce by such commission merchant, or bought or sold, or contracted to be bought, sold, or consigned, in such commerce by such dealer, or the purchase or sale of which in such commerce is negotiated by such broker; or to fail or refuse truly and correctly to account promptly in respect of any transaction in any such commodity to the person with whom such transaction is had;

(5) For any commission merchant, dealer, or broker, for a fraudulent purpose, to represent by word, act, or deed that any perishable agricultural commodity received in interstate or foreign commerce was produced in a State or in a country other than the State or the country in which such commodity

was actually produced;

(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice, placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate under authority of any Federal or State inspector as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced. (June 10, 1930, sec. 2, 46 Stat. 532; Apr. 13, 1934, secs. 2, 3, 48 Stat. 585; June 19, 1936, sec. 1, Public No. 702; 7 U.S.C., sec. 499b.)

LICENSES

576. (a) Issuance of license; authority exercised thereunder; termination.-- Whenever an applicant has paid the prescribed fee the Secretary, except as provided in subdivision (b) of this section, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this Act, but said license shall automatically terminate unless the annual fee is paid within thirty days after notice has been mailed that payment is due.

(b) Refusal of license; grounds; effect of giving bond.-- The Secretary shall refuse to issue a license to an applicant (1) if he finds that the applicant has previously been responsible in whole or in part for any violation of the provisions of section 2 [7 U.S.C., sec. 499b], for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office, or, in the case of a partnership, had any share or interest, was revoked; or (2) if he finds after notice and hearing that at any time within two years said applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2 [7 U.S.C., sec. 499b]; or (3) if he finds, in case the applicant is a partnership, association, or corporation, that any individual holding office or, in the case of a partnership, having any interest or share in the applicant, has previously been responsible in whole or in part for any violation of the provisions of section 2 [7 U.S.C., sec. 499b], for which the license of such individual, or of any partnership, association, or corporation in which such person held any office, or, in the case of a partnership, had any share or interest; was revoked; or (4) if he finds, after notice and hearing in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, had previously, at any time within two years, been responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2 [7 U.S.C., sec. 499b]; or (5) if he finds that the applicant, subject to his right of appeal under section 7 (b) [7 U.S.C., sec. 499g(b)], has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office, or, in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7(b) [7 U.S.C., sec. 499g(b)], has failed, except in the case of bankruptcy,

to pay within the time limit provided therein any reparation order which has been issued, within two years, against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding the foregoing provisions, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of the Act and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within two years following the date of the license, subject to his right of appeal under section 7(b) [7 U.S.C., sec. 499g(b)], but such license shall not be issued before the expiration of one year from the date of revocation of license or from the date of the Secretary's finding that the applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2 [7 U.S.C., sec. 499b];

(c) Revocation; reemployment.-- The Secretary may, after thirty days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker who after after the date given in such notice continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked within one year prior to the date of such notice. Employment of such individual by a licensee in any responsible position after one year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond or other satisfactory assurance that its business will be conducted in accordance with the provisions of this Act;

(d) Withholding for investigation.-- The Secretary may withhold the issuance of a license to an applicant, for a period of not to exceed thirty days pending investigation, if the Secretary believes that the application contains any material false or misleading statement or involves misrepresentation, concealment or withholding of facts respecting any violation of the Act by any officer, agent, or employee. If, after investigation, the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for a hearing within sixty days from the date of the application to show cause why a license should not be refused. If after hearing the Secretary finds that the application contains a material false or misleading statement made by the applicant or by its representative on its behalf or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the Act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant.

(e) Revocation for false statements in application.-- If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading statement in the application therefor or through a misrepresentation, concealment, or withholding of facts, respecting any violation of the Act by any officer, agent, or employee, he may, after thirty days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the conditions set forth in paragraph (b) of this section. (June 10, 1930, sec. 4, 46 Stat. 533; Apr. 13, 1934, sec. 4, 5, 6, 7, 48 Stat. 585, 586; June 19, 1936, sec. 2, Public No. 702; 7 U.S.C., sec. 499d.)

REPARATION ORDER

579. (a) Determination by Secretary of Agriculture of amount of damages; order for payment.-- If after a hearing on a complaint made by any person under section 6 [7 U.S.C., sec. 499f], the Secretary determines that the commission merchant, dealer, or broker has violated any provision of paragraph (1), (2), (3), or (4) of section 2 [7 U.S.C., sec. 499b], he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage; if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay in such person complaining such amount on or before the date fixed in the order.

(b) Suit in court by complaint; order prima facie evidence.-- If any commission merchant, dealer, or broker does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may within one year of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court nor for costs at any subsequent state of the proceedings unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit;

(c) Appeal to court by either party; trial de novo; order prima facie evidence; costs; attorney's fee.-- Either party adversely affected by the entry of a reparation order by the Secretary may, within thirty days from and after the date of such order, appeal therefrom to the District Court of the United States for the district in which said hearing was held: Provided, That in cases handled without a hearing in accordance with paragraphs (c) and (d) of section 6 or in which a hearing has been waived by agreement of the parties, appeal shall be to the District Court of the United States for the district in which the party complained against is located. Such appeal shall be perfected by the filing of a notice thereof, together with a petition in duplicate, which shall recite prior proceedings before the Secretary, and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court with proof of service thereof upon the adverse party by registered mail. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the District Court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court and if appellee prevails he shall be allowed a reasonable attorney's fee to be taxed and collected as part of his costs. Such petition and pleadings certified by the Secretary

upon which decision was made by him shall, upon filing in the District Court, constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;

(d) Automatic suspension of license for failure to pay award or appeal to court.-- Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within five days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order his license shall be suspended automatically at the expiration of such five-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment. (June 10, 1930, sec. 7, 46 Stat. 534; Apr. 13, 1934, secs. 11, 12, 13, 48 Stat. 587-588; June 19, 1936, sec. 3; Public No. 702; 7 U.S.C., sec. 499g.)

PEANUT STATISTICS

598a. Secretary of Agriculture authorized to collect and publish statistics of peanuts in possession of others than original producers.-- That the Secretary of Agriculture is hereby authorized and directed to collect and publish statistics of raw peanuts, shelled, unshelled, and crushed, and peanut oil, in the United States, in the possession of warehousemen, brokers, cleaners, shellers, dealers, growers' cooperative associations, or owners other than the original producers of peanuts. Such statistics shall show the quality of peanuts in such details as to kinds -- Virginias, Runners, Spanish, and imported varieties -- as the Secretary shall deem necessary for the purposes of this Act. All reports except those required from persons owning or operating peanut picking or threshing machines shall be submitted monthly in each year. (June 24, 1936, sec. 1, Public No. 775.)

598b. Secretary of Agriculture authorized to collect and publish statistics of peanuts picked or threshed by machines.-- The Secretary is hereby authorized to collect and publish statistics of the quantity of peanuts picked or threshed by any person owning or operating peanut picking or threshing machines. (June 24, 1936, sec. 2, Public No. 775.)

598c. Reports required; penalty for failure to furnish.-- It shall be the duty of every warehouseman, broker, cleaner, or sheller, dealer, growers' cooperative association, owner or operator of peanut picking or threshing machines to furnish promptly upon request of the Secretary, within the time prescribed by him, completely and correctly to the best of his knowledge, a report of the quantity of peanuts on hand and in the case of an operator of peanut picking and threshing machines the quantity picked or threshed, segregating in accordance with forms furnished for the purpose by the Secretary. Any person required by this Act, or the regulations promulgated thereunder, to furnish reports or information, and any officer, agent, or employee thereof who shall refuse or willfully give answers that are false and misleading, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$300 nor more than \$1,000, or imprisoned not more than one year, or to be subject to both such fine and imprisonment. (June 24, 1936, sec. 3, Public No. 775.)

598d. Secretary of Agriculture authorized to promulgate grades and standards.-- The Secretary is hereby authorized to establish and promulgate grades and standards for the classification of peanuts, whenever in his discretion he may see fit. (June 24, 1936, sec. 4, Public No. 775.)

598e. Use of information acquired.-- That the information furnished under the provisions of this Act shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Secretary whereby the data furnished by any person can be identified, nor shall the Secretary permit anyone other than the sworn employees of the Department of Agriculture to examine the individual reports. (June 24, 1936, sec. 5, Public No. 775.)

598f. Secretary of Agriculture authorized to make rules and regulations and cooperate with other departments, etc.-- The Secretary may make rules and regulations as may be necessary in the administration of this Act and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses, including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for such purpose. (June 24, 1936, sec. 6, Public No. 775.)

598g. Definitions.-- That when used in this Act--

(1) The term "person" includes individuals, partnerships, corporations, and associations;

(2) The term "Secretary" means the Secretary of Agriculture.
(June 24, 1936, sec. 7, Public No. 775.)

COMPACTS AND AGREEMENTS AMONG
STATES IN WHICH TOBACCO IS
PRODUCED PROVIDING FOR
THE CONTROL OF PRODUCTION
OF, OR COMMERCE IN, TOBACCO
IN SUCH STATES, AND FOR
OTHER PURPOSES.

616a. Consent of United States to compacts of states; uniformity; price control.--That the Congress of the United States of America hereby consents that any of the States in which tobacco is produced may negotiate a compact or compacts for the purpose of regulating and controlling the production of, or commerce in, any one or more kinds of tobacco therein; Provided, That all State acts authorizing such compact or compacts shall be essentially uniform and in no way conflicting: Provided further, That any compact, compacts, agreement, or agreements negotiated and agreed upon by the States referred to in the Act of the General Assembly of Virginia, approved March 13, 1936 (known as the Tobacco Control Act), or by any other State or States producing any type or types of tobacco referred to in said Act, which is in conformity with said Act and relating to the type or types of tobacco specifically referred to in said Act, shall become effective to the extent and in the manner provided for in said Act without further consent or ratification on the part of the Congress of the United States of America: Provided, however, That nothing herein contained shall be construed as preventing the Congress of the United States of America from hereafter withdrawing its consent to any compact or agreement entered into pursuant to this Act: Provided further, That nothing in this Act shall be construed to grant the consent of Congress to negotiate any compact for regulating or controlling the production of, or commerce in, tobacco for the purpose of fixing the price thereof, or to create or perpetuate monopoly, or to promote regimentation, but such consent shall be limited to compacts for the regulation and control of production of, or commerce in, tobacco in order thereby to enable growers to receive a fair price for such tobacco. (April 25, 1936, sec. 1, Public, No. 534.)

616b. Definitions.--As used in this Act, unless otherwise stated or unless the context or subject matter clearly indicates otherwise--
"Person" means any individual, partnership, joint-stock company, corporation, or association.

"State Act" means any Act of a State legislature authorizing a compact or ~~compact~~ compacts pursuant to the consent given in this Act.

"Commission" means the tobacco commission created by any State Act.

"Secretary" means the Secretary of Agriculture of the United States.

"Kind of tobacco" means one or more types of tobacco as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of

Agricultural Economics of the United States Department of Agriculture as listed below according to the name or names by which known:

Types 11, 12, 13, and 14, known as flue-cured tobacco.

Type 31, known as Burley tobacco.

Types 21, 22, 23, 24, 35, 36, and 37, known as fire-cured and dark air-cured tobacco.

Types 41, 42, 43, 44, 45, and 46, known as cigar-filler tobacco.

Types 51, 52, 53, 54, and 65, known as cigar-binder tobacco.

Types 61 and 62, known as cigar-wrapper tobacco.

"Association" means any association of tobacco producers or other persons engaged in the tobacco industry, or both, formed under the laws of any State for the purpose of stabilizing the marketing of tobacco and providing crop protection to producers of tobacco in any State or States. (April 25, 1936, sec. 2, Public, No. 534.)

616c. Secretary authorized to make advances to tobacco commissions.--The Secretary is authorized to make advances from time to time, from the funds hereinafter provided, to the tobacco commission established by the State act of each State which enters into a compact or compacts under the consent given by this Act in such amounts as the Secretary shall determine to be required for the payment of administrative expenses incurred by such commission, and under such terms and conditions with respect to the expenditure thereof as the Secretary shall stipulate: Provided, That each State act creating such commission shall provide for the repayment to the Secretary of such advances from any funds received by the commission from the sale of marketing certificates with respect to tobacco, prior to the use of such funds for any other purpose. (April 25, 1936, Sec. 3, Public, No. 534.)

616d. Secretary authorized to designate tobacco producers to meet with commissions in administration of compacts.--The Secretary shall, upon the request of the Commission of any compacting State, designate such tobacco producers or other persons engaged in the tobacco industry and such officials of the United States Department of Agriculture as he deems advisable to meet with the tobacco commissions for the different States for the purpose of advising in connection with the administration of any compact or compacts entered into pursuant to this Act. (April 25, 1936, sec. 4, Public, No. 534.)

616e. Secretary authorized to make loans on 1936 crop to Georgia Tobacco Belt producers.--The Secretary, from the funds hereinafter provided, is authorized to make loans for administrative purposes, upon terms and conditions stipulated by him, to such association of tobacco producers as may operate with respect to the 1936 crop in the Georgia Tobacco Belt, in a manner similar to that embodied in State Acts providing for compacts under the consent given in this Act. (April 25, 1936, sec. 5, Public, No. 534.)

616f. Secretary authorized to make available to commission records and information and facilities of Department of Agriculture.--The Secretary is hereby authorized, upon the request of the commission of any compacting State, or at the request of any association referred to in section 5, to

make available to the commission or any State or to any such association such records and information, whether published or unpublished, and such facilities of the United States Department of Agriculture as the Secretary deems appropriate in aiding such commission or association. (April 25, 1936, sec. 6, Public, No. 543.)

616g. Appropriation authorized; advances or loans repaid.--(a) For the purpose of administering this Act there is authorized to be appropriated to the Secretary of Agriculture the sum of \$300,000, or so much thereof as may be necessary for that purpose.

(b) Any advances or loans which are repaid to the Secretary by any commission or association pursuant to sections 3 and 5 of this Act shall revert to the general fund of the Treasury of the United States. (April 25, 1936, sec. 7, Public, No. 534.)

616h. Availability of funds for allotment.--All funds available for carrying out this Act shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments as the Secretary may request to cooperate or assist in carrying out this Act. (April 25, 1936, sec. 8, Public, No. 534.)

616i. Regulation of commerce in cigar-filler tobacco produced in Puerto Rico.--If, pursuant to this Act, any compact entered into among three or more of the States of Pennsylvania, Ohio, Wisconsin, Massachusetts, Florida, and Connecticut, becomes effective, or if any association or associations are formed, the membership of which includes at least two-thirds of the producers of cigar-filler tobacco and cigar-binder tobacco in three or more of said States, commerce in cigar-filler tobacco produced in Puerto Rico shall be regulated during the period in which any such compact remains effective or such associations continue to operate, as follows:

(a) The Secretary shall determine for each crop year, by calculations from available statistics of the United States Department of Agriculture, the quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico which is likely to be consumed in all countries of the world during such crop year, increased or decreased, as the case may be, by the amount by which the world stocks of cigar-filler tobacco (produced in the continental United States and Puerto Rico) at the beginning of such crop year are less than or greater than the normal stocks of such cigar-filler tobacco, as determined by the Secretary. For the purposes of this section, the Secretary shall specify as a "crop year" such period of twelve months as he deems will facilitate the administration of this section.

(b) The Secretary shall determine a marketing quota for Puerto Rico for cigar-filler tobacco for each crop year in which the provisions of this section are operative. Such quota shall be that quantity of cigar-filler tobacco which bears the same proportion (subject to such adjustment, which may be cumulative from one crop year to another, not exceeding 5 per centum of said proportion in any one year, as the Secretary determines is necessary to correct for any abnormal conditions of production

during any three normal crop years during the last ten years for trends in production during such crop years and for trends in consumption since such crop years) to the total quantity of cigar-filler tobacco produced in the continental United States and Puerto Rico and required for world consumption (as determined pursuant to paragraph (a) of this section) as the average production of cigar-filler tobacco in Puerto Rico in such crop years bore to the average of the total production of cigar-filler tobacco in the continental United States and Puerto Rico in such crop years.

(c) The Secretary shall establish for each farm in Puerto Rico for each crop year a tobacco-marketing quota, giving due consideration to the quantity of cigar-filler tobacco marketed from the crops produced on such farm and by the operator thereof in past years; to the land, labor, and equipment available for production of tobacco on such farm; to the crop-rotation practices on such farm; and to the soil and other physical factors affecting production of tobacco on such farm: Provided, That the total of the marketing quotas established for all farms in Puerto Rico for any crop year shall not exceed the marketing quota for Puerto Rico for such crop year.

(d) The marketing quota established for Puerto Rico and the marketing quotas established for farms in Puerto Rico for any crop year pursuant to paragraphs (b) and (c) of this section shall be subject to such uniform adjustment during the crop year, not exceeding 10 per centum of said quotas, as the Secretary shall determine to be necessary to establish and maintain normal world stocks of cigar-filler tobacco produced in the continental United States and Puerto Rico and otherwise to effectuate the purposes of this Act.

(e) The Secretary shall, under such terms and conditions and in accordance with such methods as may be established in regulations prescribed by him, issue, to buyers or handlers of tobacco from any farm in Puerto Rico, marketing certificates for an amount of tobacco equal to the marketing quota established for such farm, and, for any tobacco marketed in excess of such quota for such farm, sell, to the buyer or handlers of such excess tobacco, marketing certificates for a charge equal to one-third of the current market value of such tobacco, and the Secretary may require the buyer or handler of such excess tobacco to deduct the charge for marketing certificates from the price or proceeds of or advances on such tobacco.

(f) From the proceeds received from the sale of marketing certificates pursuant to paragraph (e) of this section, the Secretary shall make payments to the producers of tobacco on farms in Puerto Rico from which the sales of tobacco, because of weather or diseases or loss by fire affecting the tobacco crops thereon adversely during any crop year, are less than the marketing quotas for such farms for such crop year. Such payments shall be at a rate per pound of such deficit as shall be determined by dividing the funds remaining after deduction of such amount as the Secretary estimates to be necessary for the payment of administrative expenses incurred in administering the provisions of this section by the total number of pounds by which the sales of tobacco from all such farms fall below the marketing quotas for such farms.

(g) The sale, marketing, purchase, or transportation of any cigar-filler tobacco produced, sold, or marketed in Puerto Rico during any period

of time when this section shall be in effect is hereby prohibited unless a marketing certificate has been issued for such tobacco by the Secretary pursuant to the provisions of this Act. (April 25, 1936, sec. 9, Public, No. 534.)

616j. Use of receipts under section 9 for paying administrative expenses, etc.--Any receipts by the Secretary under section 9 of this Act shall be held in a separate fund and used by the Secretary for the purpose of paying administrative expenses and expenditures incurred or made in connection with section 9 of this Act. (April 25, 1936, sec. 10, Public, No. 534.)

616k. Separability.--If any provision of this Act or the application thereof to any person or circumstance, shall be held invalid, the validity of the remainder of the Act, and the application of such provision to other persons or circumstances shall not be affected thereby. (April 25, 1936, sec. 11, Public, No. 534.)

616L. Secretary to prescribe rules and regulations.--The Secretary shall prescribe such rules and regulations as he may deem necessary to carry out the provisions of this Act. (April 25, 1936, sec. 12, Public, No. 534.)

N A T I O N A L F O R E S T S .

755a. Santa Barbara National Forest; withdrawal of lands from location or entry.-- That the public lands of the United States, within the boundaries of the Santa Barbara National Forest, located in the State of California and hereinafter described, are hereby withdrawn from location or entry under the mining laws of the United States:

All Government lands in sections 29, 30, 31, 32, and 33, township 7 north, range 24 west, San Bernardino meridian.

All Government lands in sections 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, township 7 north, range 25 west, San Bernardino meridian.

All Government lands in sections 7 to 36, inclusive, township 7 north, range 26 west, San Bernardino meridian.

All Government lands in sections 1 to 36, inclusive, township 7 north, range 27 west, San Bernardino meridian.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, and 36, township 7 north, range 28 west, San Bernardino meridian.

All Government lands in sections 5, 8, and 17, township 6 north, range 24 west, San Bernardino meridian.

All Government lands in township 6 north, range 25 west, San Bernardino meridian.

All Government lands in township 6 north, range 26 west, San Bernardino meridian.

All Government lands in township 6 north, range 27 west, San Bernardino meridian, except sections 19, 30, and 31.

All Government lands in sections 1, 2, and 12, township 6 north, range 28 west, San Bernardino meridian.

All Government lands in sections 6, 7, 18, 19, 30, and 31, township 5 north, range 24 west, San Bernardino meridian.

All Government lands in township 5 north, range 25 west, San Bernardino meridian.

All Government lands in township 5 north, range 26 west, San Bernardino meridian, except in sections 31 and 32.

All Government lands in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, township 5 north, range 27 west, San Bernardino meridian: Provided, That this Act shall not defeat or affect any lawful right which has already attached under the mining laws and which is hereinafter maintained in accordance with such laws: Provided further, That the President upon recommendation of the Secretary of the Interior and the Secretary of Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby, and after reasonable notice has been given through the Department of the Interior, restore to location and entry under the mining laws, any of the lands hereby withdrawn therefrom: Provided further, That any person desiring to locate and enter upon any such withdrawn lands under the mineral land laws may make such location and entry upon a showing satisfactory to the Secretary of the Interior and the Secretary of Agriculture that the lands to be entered are chiefly valuable for minerals. (Apr. 20, 1936, Public No. 526.)

ADDITION OF OTHER LANDS
TO NATIONAL FORESTS.

903a. Rogue River National Forest.-- That for the purpose of forest management and municipal watershed protection, the following-described lands are hereby added to and made a part of the Rogue River National Forest in the State of Oregon and shall hereafter be administered subject to all the laws and regulations governing the national forests: Sections 31 to 35, inclusive, township 39 south, range 1 west; sections 2 to 11, inclusive, and sections 14 to 36, inclusive, township 40 south, range 1 west; section 1, and sections 11 to 36, inclusive, township 40 south, range 2 west, all Willamette base and meridian: Provided, That this action shall, as to all lands which are at this date legally appropriated under the public-land laws or reserved for any purpose, be subject to and shall not interfere with or defeat legal rights under such appropriation, nor prevent the use for such public purposes of lands so reserved so long as such appropriation is legally maintained or such reservation remains in force.

Sec. 2. That when the Secretary of Agriculture finds that merchantable timber may be cut without detriment to the purity or depletion of the water supply from such of the above-described lands title to which has been revested in the United States under the Act of Congress approved June 9, 1916 (39 Stat. 218), said Secretary is hereby authorized to dispose of such merchantable timber on such lands in accordance with the rules and regulations of the Secretary of Agriculture for the national forests and the entire proceeds of any such sale shall be deposited in the Treasury of the United States in a special fund designated "The Oregon and California Land Grant Fund", referred to in section 10 of the said Act of June 9, 1916, and be disposed of in the manner therein designated. (June 4, 1936, Public No. 642.)

913a. Umatilla and Whitman National Forests.-- That within the following-described boundaries, any lands not in Government ownership which are found by the Secretary of Agriculture to be chiefly valuable for national-forest purposes may be offered in exchange under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the Act of February 28, 1925 (43 Stat. 1090; U. S. C., 1934 ed., title 16, secs. 485, 486), upon notice as therein provided, and upon acceptance of title, shall become parts of the Umatilla or Whitman National Forests to wit:

Sections 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 36; the south half, the northeast quarter, the north half northwest quarter and the southwest quarter northwest quarter of section 27; the north half, the southeast quarter, the north half southwest quarter and the southeast quarter southwest quarter of section 35, township 2 south, range 37 east, Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 29, and 30; the west half, the south half southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 7; the east half, the northwest quarter, the east half southwest quarter, and the southwest quarter southwest quarter section 8, township 3 south, range 37 east, Willamette meridian.

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24; the north half, the southeast quarter, the north half southwest quarter, and the southwest quarter southwest quarter section 21; the south half, the northwest quarter, the north half northeast quarter, and the southwest quarter northeast quarter section 30, township 3 south, range 36 east, Willamette meridian.

Sections 22, 27, 28, 29, 32, 33, 34, 35, and 36; the west half, south half southeast quarter, north half northeast quarter, and southeast quarter northeast quarter section 23; the east half, the southwest quarter, the south half northwest quarter, and the northeast quarter northwest quarter section 24; the north half, the southeast quarter, the north half southwest quarter, and the southwest quarter southwest quarter section 25; the north half, the southwest quarter, the west half southeast quarter, and the southeast quarter southeast quarter section 26, township 3 south, range 35 east, Willamette meridian.

Sections 1, 2, 3, 5, 8, 9, 10, 11, 12, 14, 15, 16, 20, 21, and 22; the north half, the southeast quarter, the west half southwest quarter, and the southeast quarter southwest quarter section 4; the north half, the southwest quarter, the north half southeast quarter, and the southwest quarter southeast quarter section 17; the west half, the southeast quarter, the north half northeast quarter, and the southeast quarter northeast quarter section 23, township 4 south, range 35 east, Willamette meridian. (June 19, 1936, Public No. 703.)

F O R E S T P R O T E C T I O N , F O R E S T

S E R V I C E , R E F O R E S T A T I O N .

1066. * * * The Secretary of Agriculture is further authorized to establish and maintain a forest experiment station in the Great Plains and prairie States, to be known as the "Great Plains Forest Experiment Station", and to acquire by purchase, condemnation, donation, or otherwise such real property or interest therein as in his judgment is required for the use of said station, including the making of necessary expenditures in examining, appraising, and surveying any such property and in doing all things incident to perfecting title thereto in the United States. There is authorized to be appropriated annually such additional sums as may be required for the purposes of this paragraph. (As added, June 15, 1936, Public No. 683.)

PROTECTION OF MIGRATORY GAME
AND INSECTIVOROUS BIRDS.

MIGRATORY BIRD TREATY ACT.

1159. Taking, killing, possessing migratory birds unlawful.-- That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, or any part, nest, or egg of any such birds, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936. (July 3, 1918, sec. 2, 40 Stat. 755; June 20, 1936, sec. 3, Public No. 728; 16 U. S. C., sec. 703.)

1160. Determination as to when and how migratory birds may be taken, killed, possessed.-- That subject to the provisions and in order to carry out the purposes of the conventions, the Secretary of Agriculture is authorized and directed, from time to time, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of such birds, to determine when, to what extent, if at all, and by what means it is compatible with the terms of the conventions to allow hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, or export of any such bird, or any part, nest, or egg thereof, and to adopt suitable regulations permitting and governing the same, in accordance with such determinations, which regulations shall become effective when approved by the President. (July 3, 1918, sec. 3, 40 Stat. 755; June 20, 1936, sec. 2, Public No. 728; 16 U. S. C., sec. 704.)

1161. Transportation or importation of migratory birds; when unlawful.-- That it shall be unlawful to ship, transport, or carry, by any means whatever, from one State, Territory, or District to or through another State, Territory, or District, or to or through a foreign country, any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried at any time contrary to the laws of the State, Territory, or District in which it was captured, killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import any bird, or any part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the laws of any Province of the Dominion of Canada in which the same was captured,

Insert on page 40.

1158a. Effective date of amendment of Migratory Bird Treaty Act.-- That the title of the Act entitled "An Act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes", approved July 3, 1918 (40 Stat. 755), is hereby amended as of the day on which the President shall proclaim the exchange of ratifications of the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, or on the day of the enactment of this Act, whichever date is later, so that it will read as follows:

"An Act to give effect to the conventions between the United States and Great Britain for the protection of migratory birds concluded at Washington August sixteenth, nineteen hundred and sixteen, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded at the city of Mexico February seventh, nineteen hundred and thirty six, and for other purposes." (June 20, 1936, sec. 1, Public No. 728.)

killed, or taken, or from which it was shipped, transported, or carried. It shall be unlawful to import into the United States from Mexico, or to export from the United States to Mexico, any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of Agriculture in accordance with such regulations as he shall prescribe having due regard to the laws of the United Mexican States relating to the exportation and importation of such mammals or parts or products thereof and the laws of the State, District, or Territory of the United States from or into which such mammals, parts, or products thereof, are proposed to be exported or imported, and the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, which regulations shall become effective as provided in section 3 hereof. 16 U. S. C. sec. 704⁷ (July 3, 1918, sec. 4, 40 Stat. 755; June 20, 1936, sec. 4, Public No. 728.)

1165a. Appropriation authorized; Secretary authorized to employ persons and means necessary and to cooperate with local authorities.-- That there is authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of said conventions and this Act and regulations made pursuant thereto, and the Secretary of Agriculture is authorized out of such moneys to employ in the city of Washington and elsewhere such persons and means as he may deem necessary for such purpose and may cooperate with local authorities in the protection of migratory birds and make the necessary investigations connected therewith. (June 20, 1936, sec. 5, Public No. 728.)

1165b. Equal availability of moneys appropriated under Act of July 3, 1918, for administration of Act as amended.-- That all moneys now or hereafter available for administration and enforcement of said Act approved July 3, 1918, shall be equally available for the administration and enforcement of said Act as hereby amended. (June 20, 1936, sec. 6, Public No. 728.)

C R I M I N A L C O D E A N D C R I M I N A L P R O C E D U R E
O F F E N S E S A G A I N S T P U B L I C J U S T I C E

1299a. Killing Federal officer; penalty.-- That whoever shall kill, as defined in sections 273 and 274 of the Criminal Code /18 U. S. C., secs. 452, 453/, any United States marshal or deputy United States marshal, special agent of the Federal Bureau of Investigation of the Department of Justice, post office inspector, Secret Service operative, any officer or enlisted man of the Coast Guard, any employee of any United States penal or correctional institution, any officer of the Customs Service or of the Internal Revenue Service, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture designated by the Secretary of Agriculture to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Division of Grazing of the Department of the Interior, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under section 275 of the Criminal Code /18 U. S. C., sec. 454/. (February 8, 1936, Public No. 431, 18 U. S. C., sec. 253.)

E D U C A T I O N

V O C A T I O N A L E D U C A T I O N

1322a. Licensed blind persons authorized to operate vending stands in public buildings.-- That for the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting blind persons licensed under the provisions of this Act shall be authorized to operate vending stands in any Federal building where, in the discretion of the head of the department or agency in charge of the maintenance of the building, such vending stands may be properly and satisfactorily operated by blind persons. (June 20, 1936, sec. 1, Public No. 732.)

1322b. Surveys and reports thereon authorized to be made by Office of Education.--

(a) The Office of Education in the Department of the Interior, subject to the direction of the Commissioner of Education and such rules and regulations as he may, with the approval of the Secretary of the Interior, prescribe, shall--

- (1) Make surveys of concession-stand opportunities for blind persons in Federal and other buildings in the United States;
- (2) Make surveys throughout the United States of industries with a view to obtaining information that will assist blind persons to obtain employment;
- (3) Make available to the public, and especially to persons and organizations engaged in work for the blind, information obtained as a result of such surveys;
- (4) Designate as provided in section 3 of this Act the State commission for the blind in each State, or, in any State in which there is no such commission some other public agency to issue licenses to blind persons who are citizens of the United States and at least twenty-one years of age for the operating of vending stands in Federal and other buildings in such State for the vending of newspapers, periodicals, confections, tobacco products, and such other articles as may be approved for each building by the custodian thereof and the State licensing agency; and
- (5) Take such other steps as may be necessary and proper to carry out the provisions of this Act.

(b) The State licensing agency shall, in issuing each such license for the operation of a vending stand, give preference to blind persons who are in need of employment and have resided for at least one year in the State in which such stand is to be located. Each such license shall be issued for an indefinite period but may be terminated by the State licensing agency if it is satisfied that the stand is not being operated in accordance with the rules and regulations prescribed by such licensing agency. Each such license for the operation of a vending stand in a Federal building shall be subject to the approval of the Federal agency having charge of the building in which the stand is located. Such licenses

shall be issued only to applicants who are blind within the meaning of this Act but are able, in spite of such infirmity, to operate such stands.

(c) The State licensing agency designated by the Office of Education is authorized, with the approval of the custodian having charge of the building in which the vending stand is to be located, to select a location for such stand and the type of stand to be provided. (June 20, 1936, sec. 2, Public No. 732.)

1322c. Cooperation of State commission for blind.-- (a) A State commission for the blind or other State agency desiring to be designated as the agency for licensing blind persons for the operation of vending stands as provided in this Act shall, with the approval of the governor of the State, make application to the Commissioner of Education and agree--

(1) To cooperate with the Commissioner of Education and with the division of vocational rehabilitation of such State in training, placing, and supervising blind persons;

(2) To provide through loan, gift, or otherwise, for each blind person licensed to operate a stand, an adequate initial stock of suitable articles to be vended therefrom; (June 20, 1936, sec. 3, Public No. 732.)

1322d. Cooperation of Commissioner with State boards.-- The Commissioner is authorized to cooperate with the State boards for rehabilitation of handicapped persons, established by the several States pursuant to the Act entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment", approved June 2, 1920, as amended and supplemented, in carrying out the provisions of this Act. (June 20, 1936, sec. 4, Public No. 732.)

1322e. Expenditures authorized.-- (a) The Commissioner is authorized to make such expenditures out of any money appropriated therefor (including expenditures for personal services and rent at the seat of government and elsewhere, books of reference and periodicals, for printing and binding, and for traveling expenses) as he may deem necessary to carry out the provisions of this Act.

(b) The Commissioner shall, in employing such additional personnel as may be necessary, give preference to blind persons who are capable of discharging the required duties, and at least 50 per centum of such additional personnel shall be blind persons. (June 20, 1936, sec. 5, Public No. 732.)

1322f. Definitions.-- As used in this Act--

(a) The term "United States" includes the several States, Territories, and possessions of the United States, and the District of Columbia.

(b) The term "blind person" means a person having not more than 10 per centum visual acuity in the better eye with correction. Such blindness shall be certified by a duly licensed ophthalmologist.

(c) The term "State" means a State, Territory, possession, or the District of Columbia. (June 20, 1936, sec. 6, Public No. 732.)

1322g. Appropriation authorized.-- There is hereby authorized to be appropriated such sums as may be necessary for carrying out the provisions of this Act. (June 20, 1936, sec. 7, Public No. 732.)

H I G H W A Y S

F E D E R A L H I G H W A Y A C T

1424a. "Highway" further defined.-- The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system. (June 19, 1936, sec. 1(c), Public No. 686.)

1454a. Same; apportionment.-- Provided, That one-third, but not less than \$3,000,000, of the appropriation made for any fiscal year for carrying out the provisions of said section 23 [23 U. S. C., sec. 23] may hereafter be expended for the purposes enumerated in the first paragraph of clause (a) of said section 23 [23 U. S. C., sec. 23]; And provided further, That on or before January 1 of each year the Secretary of Agriculture shall apportion and prorate among the several States, Alaska, and Puerto Rico, as provided in said section 23 [23 U. S. C., sec. 23], the sum authorized for the fiscal year immediately following and the Secretary of Agriculture is authorized to approve projects under any such apportionment, and to incur obligations or enter into contracts under his apportionment and prorating of the authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof. (June 16, 1936, sec. 2, Public No. 686.)

M I S C E L L A N E O U S M A T T E R S

1472a. Where insufficient balance of proceeds derived from all special taxes on motor-vehicle transportation, unmatched portion of Federal funds to be available without being matched.-- If within the fiscal years 1936 or 1937 the Secretary of Agriculture shall find with respect to any State that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 993) [23 U. S. C., sec. 55], are applied to highway purposes as defined in said section and shall further find that after having so applied such proceeds to such highway purposes other than construction there will be insufficient balance remaining for construction with which to match all, or any part, of the regular Federal-aid road funds apportioned to such State for either or both said years, respectively, in accordance with the provisions of the Federal Highway Act of 1921, as amended and supplemented, all, or such portion, of such apportionment as the State is unable to match shall be available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State with State funds. (June 16, 1936, sec. 1(d), Public No. 686.)

1473a. Appropriations for highways under Federal Highway Act not to be approved unless protective devices are installed or in operation.-- That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any highway and railroad grade crossing or draw-bridge on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate. (June 16, 1936, sec. 8, Public No. 686.)

1473b. Location, type, and design of roads on Indian reservations not eligible to Government aid under Highway Act to be approved by Bureau of Public Roads.-- That hereafter the location, type and design of all roads constructed under the provisions of said Act of May 26, 1928 [25 U. S. C., sec. 318a], shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau. (June 16, 1936, sec. 6, Public No. 686.)

1473c. Parkways to give access to national parks and monuments.-- For the construction and maintenance of parkways, to give access to national parks, and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, * * * Provided, That the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service. (June 16, 1936, sec. 5, Public No. 686.)

I N D I A N S

R I G H T S O F W A Y T H R O U G H
I N D I A N L A N D.

1474a. Appropriations authorized for Indian roads ineligible to Government aid under Federal Highway Act.-- That appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision and engineering, and the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act, 23 U.S.C., secs. 1-56, and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior. (May 26, 1928, 45 Stat. 750, 25 U.S.C., sec. 318a.)

M I S C E L L A N E O U S P R O V I S I O N S

1457a. Provisions for Federal aid to States in construction of highways extended to Puerto Rico; projects to be preferred.-- That beginning with the fiscal year ending June 30, 1938, the Territory of Puerto Rico shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and any Act amendatory thereof or supplementary thereto [23 U.S.C., secs. 1-35], upon the same terms and conditions as any of the several States, and the Territory of Puerto Rico shall be included in the calculations to determine the basis of apportionment of such funds: Provided, That the system of roads on which Federal-aid apportionments to the Territory of Puerto Rico shall be expended may be determined and agreed upon by the highway departments of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions. (June 23, 1936, Public No. 766.)

J U D I C I A L C O D E

E V I D E N C E

1546a. Statutes at Large; admissibility in evidence.--The United States Statutes at Large shall be legal evidence of the laws, treaties, and conventions therein contained in all the courts of the United States, its Territories, and insular possessions, and of the several States therein. (June 20, 1936, sec. 9, Title VI; Public No. 724.)

M O N E Y A N D F I N A N C E

A P P R O P R I A T I O N S

1744. Advance payments available for obligation only until expiration of appropriation from which made.-- After June 30, 1936, advance payments under the provisions of Title VI, Part II, of the Legislative Appropriation Act for the fiscal year 1933, shall have no longer period of availability for obligation than the appropriation from which such advance payments are made. (June 22, 1936, sec. 8, Title IV, Public No. 739.)

NAVIGATION AND NAVIGABLE WATERS

FLOOD CONTROL ACT OF 1936

1765a. Declaration of Policy.-- It is hereby recognized that destructive floods upon the rivers of the United States, upsetting orderly processes and causing loss of life and property, including the erosion of lands, and impairing and obstructing navigation, highways, railroads, and other channels of commerce between the States, constitute a menace to national welfare; that it is the sense of Congress that flood control on navigable waters or their tributaries is a proper activity of the Federal Government in cooperation with States, their political subdivisions, and localities thereof; that investigations and improvements of rivers and other waterways, including watersheds thereof, for flood-control purposes are in the interest of the general welfare; that the Federal Government should improve or participate in the improvement of navigable waters or their tributaries, including watersheds thereof, for flood-control purposes if the benefits to whomsoever they may accrue are in excess of the estimated costs, and if the lives and social security of people are otherwise adversely affected. (June 22, 1936, sec. 1, Public No. 738.)

1765b. Federal investigations of rivers for flood control to be under War Department and of soil erosion, under Department of Agriculture.-- That, hereafter, Federal investigations and improvements of rivers and other waterways for flood control and allied purposes shall be under the jurisdiction of and shall be prosecuted by the War Department under the direction of the Secretary of War and supervision of the Chief of Engineers, and Federal investigations of watersheds and measures for run off and waterflow retardation and soil erosion prevention on watersheds shall be under the jurisdiction of and shall be prosecuted by the Department of Agriculture under the direction of the Secretary of Agriculture, except as otherwise provided by Act of Congress; and that in their reports upon examinations and surveys, the Secretary of War and the Secretary of Agriculture shall be guided as to flood-control measures by the principles set forth in section 1 in the determination of the Federal interests involved: Provided, That the foregoing grants of authority shall not interfere with investigations and river improvements incident to reclamation projects, that may now be in progress or may be hereafter undertaken by the Bureau of Reclamation of the Interior Department pursuant to any general or specific authorization of law. (June 22, 1936, sec. 2, Public No. 738.)

1765c. Expenditure of appropriations under act prohibited until States have complied with requirements stated.-- That hereafter no money appropriated under authority of this Act shall be expended on the construction of any project until States, political subdivisions thereof, or other responsible local agencies have given assurance satisfactory to the Secretary of War that they will (a) provide without cost to the United States all lands, easements, and rights-of-way necessary for the construction of the project, except as otherwise provided herein; (b) hold and save the United States free from damages due to the construction works; (c) maintain and operate all the works after completion in accordance with regulations prescribed by the Secretary of War: Provided, That the construction of any dam authorized herein may be undertaken without delay when the dam site has been acquired and the assurances prescribed herein have been furnished, without awaiting the acquisition of the easements and rights-of-way required for the reservoir area:

And provided further, That whenever expenditures for lands, easements, and rights-of-way by States, political subdivisions thereof, or responsible local agencies for any individual project or useful part thereof shall have exceeded the present estimated construction cost therefor, the local agency concerned may be reimbursed one-half of its excess expenditures over said estimated construction cost: And provided further, That when benefits of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, the Secretary of War with the consent of the State wherein the same are located may acquire the necessary lands, easements, and rights-of-way for said project or part thereof after he has received from the States, political subdivisions thereof, or responsible local agencies benefited the present estimated cost of said lands, easements, and rights-of-way, less one-half the amount by which the estimated cost of these lands, easements, and rights-of-way exceeds the estimated construction cost corresponding thereto: And provided further, That the Secretary of War shall determine the proportion of the present estimated cost of said lands, easements, and rights-of-way that each State, political subdivision thereof, or responsible local agency should contribute in consideration for the benefits to be received by such agencies: And provided further, That whenever not less than 75 per centum of the benefits as estimated by the Secretary of War of any project or useful part thereof accrue to lands and property outside of the State in which said project or part thereof is located, provision (c) of this section shall not apply thereto; nothing herein shall impair or abridge the powers now existing in the Department of War with respect to navigable streams: And provided further, That nothing herein shall be construed to interfere with the completion of any reservoir or flood control work authorized by the Congress and now under way. (June 22, 1936, sec. 3, Public No. 738.)

1765d. Consent of Congress given for States to enter into compacts relating to flood control authorized by act.-- The consent of Congress is hereby given to any two or more States to enter into compacts or agreements in connection with any project or operation authorized by this Act for flood control or the prevention of damage to life or property by reason of floods upon any stream or streams and their tributaries which lie in two or more such States, for the purpose of providing, in such manner and such proportion as may be agreed upon by such States and approved by the Secretary of War, funds for construction and maintenance, for the payment of damages, and for the purchase of rights-of-way, lands, and easements in connection with such project or operation. No such compact or agreement shall become effective without the further consent or ratification of Congress, except a compact or agreement which provides that all money to be expended pursuant thereto and all work to be performed thereunder shall be expended and performed by the Department of War, with the exception of such reasonable sums as may be reserved by the States entering into the compact or agreement for the purpose of collecting taxes and maintaining the necessary State organizations for carrying out the compact or agreement. (June 22, 1936, sec. 4, Public No. 738.)

PUBLIC BUILDINGS,
PROPERTY, AND WORKS.

NATIONAL ARCHIVES
OF THE UNITED STATES GOVERNMENT.

1817ba. National Archives Seal; admissibility of copies of documents in custody of Archivist when properly authenticated.-- "The National Archives shall have an official seal, which shall be judicially noticed.

"The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made." (June 22, 1936, Public No. 756.)

STATE WORKMEN'S COMPENSATION LAWS.

1869a. State Workmen's Compensation Laws extended to United States property within State.-- That whatsoever constituted authority of each of the several States is charged with the enforcement of and requiring compliances with the State workmen's compensation laws of said States and with the enforcement of and requiring compliance with the orders, decisions, and awards of said constituted authority of said States hereafter shall have the power and authority to apply such laws to all lands and premises owned or held by the United States of America by deed or act of cession, by purchase or otherwise, which is within the exterior boundaries of any State, and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which is within the exterior boundaries of any State, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the State within whose exterior boundaries such place may be. (June 25, 1936, sec. 1, Public No. 814.)

1869b. Rights vested in States; limitations.-- For the purposes set out in section 1 of this Act, the United States of America hereby vests in the several States within whose exterior boundaries such place may be, insofar as the enforcement of State workmen's compensation laws are affected, the right, power, and authority aforesaid: Provided, however, That by the passage of this Act the United States of America in nowise relinquishes its jurisdiction for any purpose over the property named, with the exception of extending to

the several States within whose exterior boundaries such place may be only the powers above enumerated relating to the enforcement of their State workmen's compensation laws as herein designated: Provided further, That nothing in this Act shall be construed to modify or amend the United States Employees' Compensation Act as amended from time to time (Act of September 7, 1916, 39 Stat. 742, U.S.C., Title 5 and supplement, sec. 751 et seq.) (June 25, 1936, sec. 2, Public No. 814.)

PUBLIC CONTRACTS.

1895a. Provisions required to be inserted in contracts of United States for manufacture or furnishing of supplies exceeding \$10,000.-- That in any contract made and entered into by any executive department, independent establishment, or other agency or instrumentality of the United States, or by the District of Columbia, or by any corporation all the stock of which is beneficially owned by the United States (all the foregoing being hereinafter designated as agencies of the United States), for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding \$10,000, there shall be included the following representations and stipulations:

(a) That the contractor is the manufacturer of or a regular dealer in the materials, supplies, articles, or equipment to be manufactured or used in the performance of the contract;

(b) That all persons employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract will be paid, without subsequent deduction or rebate on any account, not less than the minimum wages as determined by the Secretary of Labor to be the prevailing minimum wages for persons employed on similar work or in the particular or similar industries or groups of industries currently operating in the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under said contract;

(c) That no person employed by the contractor in the manufacture or furnishing of the materials, supplies, articles, or equipment used in the performance of the contract shall be permitted to work in excess of eight hours in any one day or in excess of forty hours in any one week;

(d) That no male person under sixteen years of age and no female person under eighteen years of age and no convict labor will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract; and

(e) That no part of such contract will be performed nor will any of the materials, supplies, articles, or equipment to be manufactured or furnished under said contract be manufactured or fabricated in any plants, factories, buildings, or surroundings or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of said contract. Compliance with the safety, sanitary, and factory inspection laws of the State in which the work or part thereof is to be performed shall be prima-facie evidence of compliance with this subsection. (June 30, 1936, sec. 1, Public No. 846.)

1895b. Penalty for breach of representations and stipulations.-- That any breach or violation of any of the representations and stipulations in any contract for the purposes set forth in section 1 hereof shall render the party responsible therefor liable to the United States of America for liquidated damages, in addition to damages for any other breach of such contract, the sum of \$10 per day for each male person under sixteen years of age or each female person under eighteen years of age, or each convict laborer knowingly employed in the performance of such contract, and a sum equal to the amount of any deductions, rebates, refunds, or underpayment of wages due to any employee engaged in the performance of such contract; and, in addition, the agency of

the United States entering into such contract shall have the right to cancel same and to make open-market purchases or enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Any sums of money due to the United States of America by reason of any violation of any of the representations and stipulations of said contract set forth in section 1 hereof may be withheld from any amounts due on any such contracts or may be recovered in suits brought in the name of the United States of America by the Attorney General thereof. All sums withheld or recovered as deductions, rebates, refunds, or underpayments of wages shall be held in a special deposit account and shall be paid, on order of the Secretary of Labor, directly to the employees who have been paid less than minimum rates of pay as set forth in such contracts and on whose account such sums were withheld or recovered: Provided, That no claims by employees for such payments shall be entertained unless made within one year from the date of actual notice to the contractor of the withholding or recovery of such sums by the United States of America. (June 30, 1936, sec. 2, Public No. 846.)

1895c. List of persons who have breached agreements to be furnished agencies of United States by Comptroller General.-- The Comptroller General is authorized and directed to distribute a list to all agencies of the United States containing the names of persons or firms found by the Secretary of Labor to have breached any of the agreements or representations required by this Act. Unless the Secretary of Labor otherwise recommends no contracts shall be awarded to such persons or firms or to any firm, corporation, partnership, or association in which such persons or firms have a controlling interest until three years have elapsed from the date the Secretary of Labor determines such breach to have occurred. (June 30, 1936, sec. 3, Public No. 846.)

1895d. Secretary of Labor authorized to administer act. -- The Secretary of Labor is hereby authorized and directed to administer the provisions of this Act and to utilize such Federal officers and employees and, with the consent of the State, such State and local officers and employees as he may find necessary to assist in the administration of this Act and to prescribe rules and regulations with respect thereto. The Secretary shall appoint, without regard to the provisions of the civil-service laws but subject to the Classification Act of 1923, an administrative officer, and such attorneys and experts, and shall appoint such other employees with regard to existing laws applicable to the employment and compensation of officers and employees of the United States, as he may from time to time find necessary for the administration of this Act. The Secretary of Labor or his authorized representatives shall have power to make investigations and findings as herein provided, and prosecute any inquiry necessary to his functions in any part of the United States. The Secretary of Labor shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act. (June 30, 1936, sec. 4, Public No. 846.)

1895e. Hearings and orders.-- Upon his own motion or on application of any person affected by any ruling of any agency of the United States in relation to any proposal or contract involving any of the provisions of this Act; and on complaint of a breach or violation of any representation or stipulation as herein provided, the Secretary of Labor, or an impartial representative designated by him, shall have the power to hold hearings and to issue orders requiring

the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy, failure, or refusal of any person to obey such an order, any District Court of the United States or of any Territory or possession, or the Supreme Court of the District of Columbia, within the jurisdiction of which the inquiry is carried on, or within the jurisdiction of which said person who is guilty of contumacy, failure, or refusal is found, or resides or transacts business, upon the application by the Secretary of Labor or representative designated by him, shall have jurisdiction to issue to such person an order requiring such person to appear before him or representative designated by him, to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof; and shall make findings of fact after notice and hearing, which findings shall be conclusive upon all agencies of the United States, and if supported by the preponderance of the evidence, shall be conclusive in any court of the United States; and the Secretary of Labor or authorized representative shall have the power, and is hereby authorized, to make such decisions, based upon findings of fact, as are deemed to be necessary to enforce the provisions of this Act. (June 30, 1936, sec. 5, Public No. 846.)

1895f. Exceptions by Secretary of Labor on written finding by head of department.-- Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this Act to contractors, as hereinbefore described. Whenever the Secretary of Labor shall permit an increase in the maximum hours of labor stipulated in the contract, he shall set a rate of pay for any overtime, which rate shall be not less than one and one-half times the basic hourly rate received by any employee affected. (June 30, 1936, sec. 6, Public No. 846.)

1895g. Person defined. -- Whenever used in this Act, the word "person" includes one or more individuals, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers. (June 30, 1936, sec. 7, Public No. 846.)

1895h. Construction of act not to affect other acts mentioned.-- The provisions of this Act shall not be construed to modify or amend title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes,"

approved May 3, 1933 (commonly known as the Buy American Act), nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act relating to the rates of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes," approved March 3, 1931 (commonly known as the Bacon-Davis Act), as amended from time to time, nor the labor provisions of title II of the National Industrial Recovery Act, approved June 16, 1933, as extended, or of section 7 of the Emergency Relief Appropriation Act, approved April 8, 1935; nor shall the provisions of this Act be construed to modify or amend the Act entitled "An Act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930, as amended and supplemented by the Act approved June 23, 1934. (June 30, 1936, sec. 8, Public No. 846.)

1895i. Inapplicability of act to certain materials.-- This Act shall not apply to purchases of such materials, supplies, articles, or equipment as may usually be bought in the open market; nor shall this Act apply to perishables, including dairy, livestock and nursery products, or to agricultural or farm products processed for first sale by the original producers; nor to any contracts made by the Secretary of Agriculture for the purchase of agricultural commodities or the products thereof. Nothing in this Act shall be construed to apply to carriage of freight or personnel by vessel, airplane, bus, truck, express, or railway line where published tariff rates are in effect or to common carriers subject to the Communications Act of 1934. (June 30, 1936, sec. 9, Public No. 846.)

1895j. Effect of partial invalidity.-- If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provisions to other persons or circumstances, shall not be affected thereby. (June 30, 1936, sec. 10, Public No. 846.)

1895k. Effective date of act.-- This Act shall apply to all contracts entered into pursuant to invitations for bids issued on or after ninety days from the effective date of this Act: Provided, however, That the provisions requiring the inclusion of representations with respect to minimum wages shall apply only to purchases or contracts relating to such industries as have been the subject matter of a determination by the Secretary of Labor. (June 30, 1936, sec. 11, Public No. 846.)

PUBLIC PRINTING

AND DOCUMENTS.

SUPERINTENDENT OF DOCUMENTS.

1974. Government publications shall remain public property.-- All Government publications furnished by authority of law to officers (except members of Congress) of the United States Government, for their official use, shall be stamped "Property of the United States Government," and shall be preserved by such officers and by them delivered to their successors in office as a part of the property appertaining to the office. Government publications furnished depository libraries shall be made available for the free use of the general public and must not be disposed of except as the Superintendent of Documents may direct. (January 12, 1895, sec. 74, 28 Stat. 620; June 20, 1936, sec. 11, Title VII, Public No. 724.)

CONGRESSIONAL RECORD,

BILLS, AND LAWS.

1988. Statutes at Large; contents.-- That, beginning with the Seventy-fifth Congress and thereafter, the Secretary of State shall cause to be compiled, edited, and indexed the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each session of Congress, and also all conventions, treaties, and international agreements to which the United States is a party and which have come into force since the date of the adjournment of the session of Congress next preceding, including all proclamations issued since that date.

* * *

Same; Distribution.-- The Public Printer shall print, and after the final adjournment of each session of Congress, bind and deliver to the Superintendent of Documents as many copies of the Statutes at Large as may be required for distribution as follows:

* * *

To the Department of Agriculture, not to exceed one hundred copies; (January 12, 1895, sec. 73, 28 Stat. 615; June 20, 1936, sec. 9, Title VI, Public No. 724;) 44 U.S.C., sec. 196.)

1992. Departments to order publications required; limit; bills and resolutions.-- The heads of Executive Departments, and such executive officers as are not connected with the Departments, respectively, shall cause daily examination of the Congressional Record for the purpose of noting documents, reports, and other publications of interest to their Departments, and shall cause an immediate order to be sent to the Public Printer for the number of copies of such publications required for official use, not to exceed, however, the number

of bureaus in the Department and divisions in the office of the head thereof, The Public Printer shall send to each Executive Department and to each executive office not connected with the Departments, as soon as printed, five copies of all public bills and resolutions, except the State Department, to which shall be sent ten copies of bills and resolutions. When the head of a Department desires a greater number of any class of bills or resolutions for official use, they shall be furnished by the Public Printer on requisition promptly made. (January 12, 1895, sec. 90, 28 Stat. 623; June 20, 1936, sec. 14, Title IX, Public No. 724; 44 U.S.C., sec. 215.)

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